
CENTER FOR INDIVIDUAL FREEDOM

September 23, 2004

Mr. Lawrence H. Norton
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 2046

Re: Complaint Against CBS Broadcasting & Kerry-Edwards 2004

Dear Mr. Norton:

Pursuant to the Federal Election Campaign Act of 1971, as amended, and upon information and belief, the Center for Individual Freedom hereby files the enclosed Complaint with the Federal Election Commission. The Complaint outlines violations of the laws and regulations governing federal elections and campaign finance concerning coordination, expenditures, contributions, and communications with regard to candidates seeking election to the Office of President of the United States. Specifically, this Complaint alleges facts that, upon information and belief, demonstrate violations of the Federal Election Campaign Act of 1971, as amended, and the Federal Election Commission regulations promulgated thereunder.

I have enclosed three (3) copies of the Complaint as required by the Federal Election Commission's rules. I look forward to the Commission's prompt response.

Sincerely,



Jeffrey Mazzella
Executive Director

Enclosures

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2004 SEP 23 P 3:10

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**BEFORE THE
FEDERAL ELECTION COMMISSION**

In the Matter of:

CBS BROADCASTING, INC.;
KERRY-EDWARDS 2004, INC.;

Respondents.

MUR No. 5540

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2004 SEP 23 P 3:10

COMPLAINT

CENTER FOR INDIVIDUAL FREEDOM ("Center") files this Complaint with the Federal Election Commission, in accordance with the provisions of 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4, upon information and belief that Respondents violated multiple provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §§ 431 *et seq.*, and the Federal Election Commission regulations promulgated thereunder, 11 C.F.R. §§ 100.1 *et seq.*

The Center is a non-partisan, non-profit organization incorporated and existing under the laws of the State of Virginia and having its offices and principal place of business at 901 N. Washington Street, Suite 402, Alexandria, Virginia 22314. The Center is a tax-exempt organization described in Section 501(c)(4) of the Internal Revenue Code and is operated exclusively for the promotion of social welfare. The Center's mission is to protect and defend individual freedoms and individual rights guaranteed by the U.S. Constitution, including an individual's fundamental right to vote and participate in free and fair elections. In furtherance of this mission, the Center engages in both educational and advocacy efforts, focusing public, legislative, and

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judicial attention on the rule of law as the best protection for the individual freedoms and rights of all citizens. The apparent violations alleged herein represent a serious lack of compliance with the federal election and campaign finance laws, raising numerous concerns about corruption and the appearance of corruption in the 2004 presidential election.

Respondents

CBS BROADCASTING, INC. ("CBS"), is a subsidiary of Viacom, Inc., and directly owns and operates the CBS broadcast television network, including its news division. CBS has its offices and principal place of business at 1515 Broadway, New York, New York 10036. CBS's registered agent is the Corporation Service Company, 80 State Street, Albany, New York, 12207.

KERRY-EDWARDS 2004, INC. ("Kerry Campaign"), is the political committee established to support the presidential candidacy of John Kerry. The Kerry Campaign can be contacted at P.O. Box 34555, Washington, DC 20043.

Facts

The facts supporting this Complaint are all found in materials and reports freely and readily available to the public. The relevant documents are attached to this Complaint.

Central to this Complaint is a segment developed, produced, and broadcast nationwide as a part of the program "60 Minutes II" by CBS News over the CBS broadcast television network. The segment aired on September 8, 2004, and concerned President George W. Bush and documents allegedly showing that he benefited from preferential treatment during his Texas Air National Guard service. Specifically, the

segment alleged that CBS had uncovered "new documents and new information on the President's military service" that indicated someone "pulled ... strings to get ... George W. Bush into the Texas Air National Guard" in order to prevent him from "being drafted" for service in Vietnam. ("President Bush's National Guard Service," 60 MINUTES II, CBS TV, September 8, 2004, Federal News Service Transcript.) Nearly 7 million viewers watched the segment. (Jennifer Harper, "Rather rumble likely to cost CBS," WASHINGTON TIMES, September 17, 2004, at A05.)

Five days before the segment aired, on September 3, Mary Mapes, an Associate Producer for "60 Minutes," contacted Josh Howard, the program's Executive Producer, to inform him that she had persuaded a source to hand over a number of documents. (Josh Getlin, Elizabeth Jensen & Scott Collins, "In the Rush for a Scoop, CBS Found Trouble Fast," LOS ANGELES TIMES, September 18, 2004, at A1.) The source claimed that the documents were memos "written in 1972 and 1973 by the late Lt. Col. Jerry B. Killian, Bush's squadron commander in the Texas Air National Guard. The memos, [Mapes] was told, revealed how the young pilot ... had received favorable treatment, even after refusing an order to report for a physical." (Howard Kurtz, Michael Dobbs & James V. Grimaldi, "In Rush to Air, CBS Quashed Memo Worries," WASHINGTON POST, September 19, 2004, at A01.) Later, CBS revealed that the source who handed over the documents was Lt. Col. Bill Burkett, also a former Texas National Guardsman. ("CBS News admits to being misled regarding documents pertaining to President Bush's National Guard service," CBS EVENING NEWS, CBS TV, September 20, 2004, CBS News Transcripts.) Following Mapes' call, there "was a rush to get the pieces in place" to prepare and broadcast a segment based on the memos for the following Wednesday's

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edition of "60 Minutes II." (Getlin, et al., "In the Rush for a Scoop, CBS Found Trouble Fast," LOS ANGELES TIMES, September 18, 2004, at A1.)

As part of an "understanding" with CBS that included his agreement to turn over the documents, however, the source, Burkett, insisted that CBS arrange for him to speak with a senior member of the Kerry Campaign. (Kevin Johnson, Dave Moniz & Jim Drinkard, "CBS had source talk to Kerry aide," USA TODAY, September 21, 2004, at 1A.) On September 4, CBS Producer Mapes called Joe Lockhart, a senior advisor and strategist for the Kerry Campaign, and asked him to call the CBS source, Burkett. ("Kerry adviser spoke with CBS document source," CNN.com, September 21, 2004.) According to senior Kerry advisor Lockhart, CBS's Mapes told him about the documents, and after Mapes told him about the planned CBS broadcast segment, Lockhart agreed to call the CBS source, Burkett. (*Id.*; Howard Kurtz, "White House Links Memos, Kerry Effort," WASHINGTON POST, September 22, 2004, at A08.) CBS's Mapes provided senior Kerry advisor Lockhart with a phone number for Burkett, CBS's star source. (Johnson, et al., "CBS had source talk to Kerry aide," USA TODAY, September 21, 2004, at 1A.) Senior Kerry advisor Lockhart then called Burkett on September 5 or September 6, and the two spoke for several minutes. (*Id.*) This was not the first time CBS's primary source, Burkett, had spoken with a Kerry Campaign operative. Burkett had previously spoken with former U.S. Senator Max Cleland, also an advisor to the Kerry Campaign. (Kelley Shannon, "Ex-Guardsman: I contacted Kerry campaign," ASSOCIATED PRESS, September 19, 2004.) Burkett's conversation with Cleland was the result of an effort to reach a person of authority at the Kerry Campaign. (*Id.*)

At CBS, Producer Mapes sought outside endorsement for the authenticity of the memos. Beginning on September 3, she asked at least four people who she believed to be document or signature experts to review and report on the authenticity of the documents that Burkett had provided. (Kurtz, et al., "In Rush to Air, CBS Quashed Memo Worries," WASHINGTON POST, September 19, 2004, at A01; Getlin, et al., "In the Rush for a Scoop, CBS Found Trouble Fast," LOS ANGELES TIMES, September 18, 2004, at A1.) According to the *Washington Post*:

Emily Will of North Carolina, one of the experts CBS had asked to examine the memos, sent Mapes an e-mail outlining her concerns over discrepancies in Killian's signature. She also phoned CBS and raised more questions about whether the typography in the memos existed in 1972 and differences with other military documents. "They looked like trouble to me," Will said.

(Kurtz, et al., "In Rush to Air, CBS Quashed Memo Worries," WASHINGTON POST, September 19, 2004, at A01.) Linda James, another document examiner, raised similar questions. "The two memos she looked at 'had problems,' James recall[s] telling CBS, and she could not rule out that they had been 'produced on a computer.'" (*Id.*) James isolated five ways in which the Killian signature on [one] memo did not match up with the other provided samples of his handwriting." (Getlin, et al., "In the Rush for a Scoop, CBS Found Trouble Fast," LOS ANGELES TIMES, September 18, 2004, at A1.) Even Marcel Matley, a purported document analyst "whose only formal document training was a mail-in correspondence course," reviewed the documents for CBS at Producer Mapes' request and registered his indecision about their authenticity. ("CBS News, Dan Rather admit source of Bush documents unreliable," NBC NIGHTLY NEWS, NBC TV, September 20, 2004, NBC News Transcripts; Kurtz, et al., "In Rush to Air, CBS Quashed Memo

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Worries,” WASHINGTON POST, September 19, 2004, at A01.) “Matley limited his examination to Killian’s signature, which he believed was probably valid, but not certain — the lowest endorsement he offers.” (*Id.*) On September 6, “60 Minutes” Correspondent and “CBS Evening News” Managing Editor Dan Rather interviewed Matley for the “60 Minutes II” segment. (*Id.*) CBS’s Rather did not interview Will, James, or the fourth document analyst, James J. Pierce.

On September 7, CBS News President Andrew Heyward, Senior Vice President Betsy West, Executive Producer Josh Howard, Associate Producer Mapes, Senior Broadcast Producer Mary Murphy, and others met to discuss the broadcast segment. (*Id.*) “‘We asked core questions,’ West said ... The executives were satisfied by Mapes’s answers.” (*Id.*) Later, Howard, West, Murphy and other CBS News staffers, including two attorneys, watched a portion of the segment and discussed the story. (*Id.*)

Meanwhile, CBS’s experts continued to raise concerns about the validity of the documents that the source, Burkett, had provided. (*Id.*) “In separate phone calls to Mapes [on September 7], two of the network’s outside experts tried to stop the journalistic train, or at least slow it down ... Emily Will said she called the network [on September 7] and repeated her objections as strongly as possible. ‘If you air the program on Wednesday,’ she recalled saying, ‘on Thursday you’re going to have hundreds of document examiners raising the same questions.’” (*Id.*) This questionable verification methodology coupled with the cumulative warnings regarding the authenticity of the memos, including far more detail than is outlined above, provide no support whatsoever for a reasonable professional belief that the documents were authentic.

On September 8, CBS completed the segment and prepared it for broadcast. (*Id.*)
“At 7 p.m., Heyward joined the other [CBS] executives ... for a final look at the piece ...
He could still raise objections ... No changes were made.” (*Id.*)

The “60 Minutes II” segment had an immediate impact on the presidential campaign. It generated follow-up media coverage in the *New York Times* (Katharine Q. Seelye & Ralph Blumenthal, “Documents Suggest Guard Gave Bush Special Treatment,” NEW YORK TIMES, September 9, 2004), *Washington Post* (Michael Dobbs & Thomas B. Edsall, “Records Say Bush Balked at Order,” WASHINGTON POST, September 9, 2004, at A01), *Chicago Tribune* (Mark Silva & Jeff Zeleny, “Memos say Bush pushed for move,” CHICAGO TRIBUNE, September 9, 2001), *USA Today* (Dave Moniz & Jim Drinkard, “Guard commander’s memos criticize Bush,” USA TODAY, September 9, 2004, at 4A), and all other notable print and broadcast outlets. On September 10, the *New York Times* criticized President Bush’s National Guard service in an editorial which relied on the questionable documents first unveiled in the “60 Minutes II” segment. (“The Long Shadow of War,” NEW YORK TIMES, September 10, 2004, at A24.)

On September 9 and 10, major news organizations and individual citizens began to question the validity of the documents on which CBS based its broadcast segment. (Kurtz, et al., “In Rush to Air, CBS Quashed Memo Worries,” WASHINGTON POST, September 19, 2004, at A01.) Ten days later, on September 20, CBS News admitted that its reliance on the documents was a mistake, that it could not verify their authenticity, that it could not stand by the content of the broadcast segment, and apologized for its irresponsibility in developing, producing, and broadcasting the segment. (“CBS News admits to being misled regarding documents pertaining to President Bush’s National

Guard service,” CBS EVENING NEWS, CBS TV, September 20, 2004, CBS News Transcripts.)

On September 10, barely two days after the “60 Minutes II” segment was broadcast, the Democratic National Committee launched a new ad campaign entitled the “Fortunate Son,” which incorporated many of the same facts as the CBS report. (<http://www.democrats.org/fortunateson/index.html>), last visited September 22, 2004.) A Fox News Reporter following the Kerry Campaign, Carl Cameron, has gone so far as to say that even Democratic Presidential Candidate John Kerry, himself, “was pushing this 60 Minutes piece as a ‘must see’ to his traveling press” before the CBS broadcast segment ever aired. (Jeff Gannon, “Kerry Allies Tied to Forged Document Scandal,” TALON NEWS, September 21, 2004.)

Apparent Violations

The gravamen of this Complaint is really quite simple. First, the broadcast segment that aired nationwide on the CBS television network on September 8, 2004, constituted a prohibited and regulated “electioneering communication.” *See* 2 U.S.C. §§ 434(f)(3), 441b(a), (b)(2), (c)(1). Second, that “electioneering communication” was unlawfully coordinated with the Kerry Campaign through at least one senior advisor and political operative. *See* 11 C.F.R. § 109.21. In fact, the coordination with the Kerry Campaign only reinforces the conclusion that the broadcast segment constituted a prohibited and regulated “electioneering communication,” and that it was not an exception to the reach of the federal election and campaign finance laws. Third, because the broadcast segment was coordinated with the Kerry Campaign, it also constituted an unlawful contribution to and expenditure by that campaign. *See* 2 U.S.C. §

441a(a)(7)(C). Finally, the “electioneering communication” developed, produced, and broadcast by CBS and coordinated with the Kerry Campaign necessarily triggered the reporting and disclosure requirements imposed under the Federal Election Campaign Act of 1971, as amended, and the Federal Election Commission regulations promulgated thereunder. *See* 2 U.S.C. §§ 434(f)(1), (f)(2).

The Federal Election Campaign Act of 1971, as amended by the Bipartisan Campaign Reform Act of 2002, defines an “electioneering communication” as:

any broadcast, cable, or satellite communication which—(I) refers to a clearly identified candidate for Federal office; (II) is made within ... 60 days before a general ... election for the office sought by the candidate; ... and (III) in the case of a communication which refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate.

2 U.S.C. § 434(f)(3)(A).

There can be no doubt that the broadcast segment developed, produced, and aired by CBS meets the above definition of an “electioneering communication.” It was a “broadcast ... communication” aired nationwide on CBS, one of the four major television networks. It “refer[red] to a clearly identified candidate for Federal office,” namely, President George W. Bush, who is the Republican Party’s Candidate for the Office of President of the United States in the 2004 general election. It was “made within ... 60 days before [the] general ... election for the office sought by the candidate” because the broadcast segment aired on September 8, 2004, just 55 days before the 2004 presidential election that will take place on November 2, 2004. And, since the candidate referred to in the broadcast segment is seeking election to the Office of President of the United

States, it was unnecessary for the “electioneering communication” to be “targeted to the relevant electorate.”

The only question as to whether the broadcast segment constituted a prohibited and regulated “electioneering communication” arises from the exception for “news stor[ies] ... distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate.” 2 U.S.C. § 434(f)(3)(B)(i). However, because the broadcast segment lacked all of the hallmarks of a legitimate “news story” and responsible journalism, such an exception does not apply in this case.

While it is true that the broadcast segment masqueraded as a legitimate “news story,” details about the development, production, and broadcasting of the segment demonstrate that it was anything but objective news, or even subjective commentary or editorializing. In fact, the details show that the broadcast segment bore far more resemblance to a political attack advertisement coordinated with and supported by the opponent’s campaign and political party than to a journalistically sound, well-researched “news story.” Unlike a legitimate “news story,” the broadcast segment that aired on the CBS television network on September 8, 2004, lacked all of the requirements for responsible journalism. Both the documents and the sources that served as the basis for the broadcast segment have been unequivocally and universally discredited, and those who were primarily responsible for the development, production, and publication of the broadcast segment have admitted their irresponsible and reckless behavior by fully disavowing the segment’s content and apologizing for their actions and its publication. What’s more, details have emerged showing that not only did the broadcast segment have

no basis in fact, but that it was also specifically coordinated with at least one senior advisor and political operative from the Kerry Campaign and the Democratic Party. Surely this is not the type of legitimate "news story" that is an exception to the prohibitions on and regulations of "electioneering communications."

The coordination between those at CBS responsible for the development, production, and publication of the broadcast segment and senior advisor(s) and political operative(s) from the Kerry Campaign raises even greater and more particular concerns. Not only does such coordination demonstrate that the broadcast segment was a politically motivated "electioneering communication," but it also shows an attempt to evade the contribution and expenditure rules and limitations, all with the intent of influencing a federal election through actions that obviously transgress the Federal Election Campaign Act of 1971, as amended, and the Federal Election Commission Regulations promulgated thereunder. Specifically, as to coordination, Section 441a(a)(7)(C) states:

if—(i) any person makes, or contracts to make, any disbursement for any electioneering communication ...; and (ii) such disbursement is coordinated with a candidate or an authorized committee of such candidate, a Federal, State, or local political party or committee thereof, or an agent or official of any such candidate, party, or committee; such disbursement or contracting shall be treated as a contribution to the candidate supported by the electioneering communication or that candidate's party and as an expenditure by that candidate or that candidate's party.

2 U.S.C. § 441a(a)(7)(C). That section was triggered here, when at least one senior advisor and political operative from the Kerry Campaign has admitted that he was consulted with and received prior notice about the broadcast segment attacking President George W. Bush that was aired by CBS on September 8, 2004. In fact, the circumstances

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demonstrate that the coordination went far deeper. As news reports have indicated, those at CBS who developed, produced, and published the broadcast segment attacking President Bush went so far as to broker a relationship between themselves, the content of the broadcast segment, and at least one of their sources with at least one senior advisor and political operative for the Kerry Campaign. In fact, news reports now indicate the story would have never been aired but for the brokering of the relationship between those at CBS, at least one of the sources they were relying upon, and a senior advisor and political operative for the Kerry Campaign. Because of this obvious and unlawful political and campaign coordination, the broadcast segment, which constitutes an "electioneering communication" under 2 U.S.C. § 434(f)(3), must be "treated as a contribution to the candidate supported by the electioneering communication," namely, the Kerry Campaign, "and as an expenditure by that candidate." 2 U.S.C. § 441a(a)(7)(C).

Moreover, not only does the Kerry Campaign face regulatory, disclosure, and reporting requirements on account of its coordination with the development, production, and broadcasting of the "electioneering communication," but so does CBS. Under Section 434(f)(1):

Every person who makes a disbursement for the direct costs of producing and airing electioneering communications in an aggregate amount in excess of \$10,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

2 U.S.C. § 434(f)(1). There can be little question that CBS incurred direct costs of more than \$10,000 in the development, production, and publication of the broadcast segment that constituted an "electioneering communication." As such, the regulatory, reporting,

and disclosure requirements of Section 434(f)(2) were triggered, and CBS needed to file a statement with the Commission under penalty of perjury containing the following information:

(A) The identification of the person making the disbursement, of any person sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

(B) The principal place of business of the person making the disbursement, if not an individual.

(C) The amount of each disbursement of more than \$200 during the period covered by the statement and the identification of the person to whom the disbursement was made.

(D) The elections to which the electioneering communications pertain and the names (if known) of the candidates identified or to be identified.

(E) If the disbursements were paid out of a segregated bank account which consists of funds contributed solely by individuals who are United States citizens or nationals or lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. § 1101(a)(20))) directly to this account for electioneering communications, the names and addresses of all contributors who contributed an aggregate amount of \$1,000 or more to that account during the period beginning on the first day of the preceding calendar year and ending on the disclosure date. Nothing in this subparagraph is to be construed as a prohibition on the use of funds in such a segregated account for a purpose other than electioneering communications.

(F) If the disbursements were paid out of funds not described in subparagraph (E), the names and addresses of all contributors who contributed an aggregate amount of \$1,000 or more to the person making the disbursement during the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

2 U.S.C. § 434(f)(2). Because such a statement was never filed, CBS is engaged in a continuing violation of the regulatory, reporting, and disclosure requirements imposed under the "electioneering communications" provisions and must be held accountable.

Conclusion

For the reasons discussed above, the Federal Election Commission should initiate an immediate and thorough investigation into the allegations contained in this Complaint and take all appropriate action against Respondents for their violations of the Federal Election Campaign Act of 1971, as amended, and the Federal Election Commission regulations promulgated thereunder.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeff Mazzella', written in a cursive style.


Jeffrey Mazzella
Executive Director

Verification

The complainant listed below hereby verifies that the statements made in the attached Complaint are, upon their information and belief, true.

Sworn to pursuant to 18 U.S.C. § 1001.

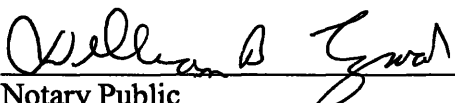
For Complainant
Center for Individual Freedom



Jeffrey Mazzella, Executive Director

CITY OF ALEXANDRIA:
STATE OF VIRGINIA:

Sworn to and subscribed before me this 23rd day of September, 2004.



Notary Public

My Commission Expires: 7/31/05

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10 of 13 DOCUMENTS

Copyright 2004 The Federal News Service, Inc.
Federal News Service

September 10, 2004 Friday

LENGTH: 1960 words

HEADLINE: PROGRAM TRANSCRIPT - PRESIDENT BUSH'S NATIONAL GUARD SERVICE (60 MINUTES II, CBS TV, 8PM, SEPTEMBER 8, 2004)

BODY:

DAN RATHER· The military records of the two men running for President have become part of the political arsenal in this campaign; a tool for building up or blowing up each candidate's credibility as America's next commander-in-chief.

While Senator Kerry has been targeted for what he did in combat in Vietnam, President Bush has been criticized for avoiding Vietnam by landing a much sought after spot in the Texas Air National Guard, and then apparently failing to meet some of his obligations in the Guard.

Did then-Lieutenant Bush fulfill all of his military commitments? And just how did he land that coveted slot in the Guard in the first place?

Tonight, we have new documents and new information on the President's military service, and the first-ever interview with the man who says he pulled the strings to get young George W. Bush into the Texas Air National Guard.

It was May 1968 and Vietnam was in flames. In that one month alone, more than 2,000 Americans were killed in combat, and the draft was siphoning thousands more into the jungle. George W. Bush had just graduated from Yale and faced the prospect of being drafted himself. This man, Ben Barnes, says he helped keep that from happening.

Tell me the truth, the whole truth about what happened with George W. Bush and the draft and the National Guard?

BEN BARNES Texas Democrat: Well, first of all, I want to say that I'm not here to bring any harm to George Bush's reputation or his career; I was contacted by people from the very beginning of his political career -- when he ran for governor and then when he ran for President and now he's running for reelection. I've had hundreds of phone calls of people wanting to know the story, and I've been quoted and misquoted and the reason I'm here today, I really want to tell the story and I want to tell it one time and get it behind us, and again, this is not about George Bush's political career; it's about what the truth is.

RATHER: Barnes is a Democrat who is now actively raising money for John Kerry, but he was a Democrat back in 1968, too, and serving as Texas Speaker of the House, a protégé of then-President Lyndon Johnson, Barnes was only 29 years old, but in keeping with the times, he wielded clout and connections to build a powerful political base.

A few months before George W. Bush would become eligible for the draft, Barnes says he had a meeting with the late oilman Sid Adger, a friend to both Barnes and then-Congressman George Bush, father of George W.

Do you remember what he said?

BARNES· Well, it's been a long time ago, but he said basically would I help young George Bush get in the Air National Guard.

RATHER: Barnes says he contacted his longtime friend, General James Rose, the head of Texas Air National Guard.

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BARNES: I was a young, ambitious politician doing what I thought -- acceptable, that was important to make friends and I recommended a lot of people for the National Guard during the Vietnam era as speaker of the House and as lieutenant governor.

RATHER: And you recommended George W. Bush?

BARNES: Yes, I did.

RATHER: And you said you did this for others what can only be called preferential treatment for President Bush? Would you describe it as that?

BARNES: Oh, I would describe it as preferential treatment. There were hundreds of names on the list of people wanting to get in there -- the National Guard or the Army National Guard. I think that would have been a preference to anybody that didn't want to go to Vietnam, that didn't want to leave. We had a lot of young men that left and went to Canada in the '60s and fled this country, but those that could get in the Reserves or those who get in the National Guard, chances are they would not have to go to Vietnam.

RATHER: This is the first time Ben Barnes has told his story publicly, but for years, President Bush faced questions about how he got in the Guard.

PRESIDENT BUSH (From video): And any allegation that my dad asked for special favors is simply not true, and the former President of the United States has said that he in no way, shape or form helped me get into the Guard.

RATHER: In an interview today with CBS' senior White House correspondent John Roberts, the President's communication director Dan Bartlett repeated that denial, saying this was all part of the Kerry campaign.

DAN BARTLETT White House Communications Director: I chalk it up to politics. They play dirty down in Texas. I've been there. I see how it works, but the bottom line is that there's no truth to this.

JOHN ROBERTS: This is dirty politics?

BARTLETT: Oh, I think it is. I think the fact that 55 days before an election that partisan Democrats are recycling the very same charges we hear every time President Bush runs for reelection is dirty politics.

RATHER: Then-Lieutenant Bush went to Georgia, completed a difficult pilot training program and was assigned to duty back in his hometown, Houston, flying F-102s out of Ellington Air Force Base.

Today on the air base, a mothballed F-102 is emblazoned with the President's name, but even in 1970, then-Lieutenant Bush was already something of a celebrity at the airfield. A press release issued that year by his unit points out that the young lieutenant is the son of the local congressman.

Mr. Bush had signed a six-year commitment to fly for the Air Guard, and early on, the young pilot got glowing evaluations from his squadron commander, Colonel Jerry Killian who called Lieutenant Bush, 'an exceptionally fine young officer and pilot who performed in an outstanding manner.' That is part of the public record, but '60 Minutes' has now obtained a number of documents we are told were taken from Colonel Killian's personal file, among them a never-before seen memorandum from May 1972 where Colonel Killian writes that Lieutenant Bush called him to talk about how he can get out of coming to drill from now through November.

Bush tells his commander, he is working on a campaign in Alabama and may not have time to take his physical. Killian adds that he thinks Lieutenant Bush has gone over his head, and is talking to someone upstairs.

Colonel Killian died in 1984. We consulted a handwriting analyst and document expert who believes the material is authentic. Robert Strong was a friend and colleague of Colonel Jerry Killian. Strong ran the Texas Air National Guard administrative office during the Vietnam era. He's now a college professor.

When you read through these documents is there any doubt in your mind that these are genuine?

ROBERT STRONG Former Texas Air National Guard Official: Well, they are compatible with the way business was done at that time. They are compatible with the man that I remember Jerry Killian being. I don't see anything in the documents that are discordant with what were the times, what were the situation, and what were the people that were involved.

RATHER: Was he, in your judgment, a straight shooter?

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STRONG: He was a straight arrow guy. He really was. I was very fond of him. Liked him personally. Very professional man. A career pilot. Took his responsibilities very, very seriously.

RATHER. This memo is from August 18th, 1973. Colonel Killian titled it, 'CYA.' In it, Killian says, 'General Buck Staudt, the man in charge of the Texas Air National Guard is putting on pressure to sugarcoat an evaluation of Lieutenant Bush.' Staudt, a longtime friend and supporter of the Bush family would not do an interview for this broadcast.

The memo goes on with Killian saying, 'I'm having trouble running interference and doing my job.'

STRONG: He was trying to deal with a volatile political situation in dealing with the son of an ambassador and a former congressman. He was trying to deal with or at least one superior officer, General Staudt, who was closely connected to the Houston political establishment, and I just saw him in a possible situation. I felt very, very sorry because he was between a rock and a hard place.

RATHER: One of the Killian memos is an official order to George W. Bush to report for a physical. Mr. Bush never carried out that order.

On August 1st of 1972, Lieutenant Bush was suspended from flying status for failure to accomplish his annual medical examination. That document was released years ago, but until now, this document has not been seen. It is a memorandum Colonel Jerry Killian put in his own file that same day. It says, 'On this date, I ordered that First Lieutenant Bush be suspended, not just for failing to take a physical, but also for failing to perform to U.S. Air Force, Texas Air National Guard standards.'

The colonel goes on, 'The officer,' meaning then-Lieutenant Bush, 'has made no attempt to meet his training certification or flight physical.'

Correspondent John Roberts talked with the President's communications director Dan Bartlett today and asked about Colonel Killian's order for Lieutenant Bush to take a physical.

ROBERTS: He either ignored or didn't fulfill a direct order.

BARTLETT: He spoke to the commander who made that order to talk about his personal situation in the fact that he was going to Alabama, so at every step of the way, President Bush was meeting his requirements, granted permission to meet his requirements, and that's why President Bush received an honorable discharge

RATHER: The questions about Vietnam still follow President Bush and Ben Barnes and every American who remembers where they were and what they did during Vietnam because the war we couldn't seem to get out of has become the war we can't seem to get over.

By 1968, casualties in Vietnam were running high.

BARNES: Yes.

RATHER: Did you or did you not think at the time, I'm a little uncomfortable with this or did you have long talks with your conscience? Did you say to yourself I'm a little uncomfortable doing this?

BARNES: It would be very easy for me to sit here and tell you, Dan that I wrestled with this and lost a lot of sleep at night, but I wouldn't be telling you the truth. I -- very not eagerly, but I was readily willing to call and get those young men into the National Guard that were friends of mine and supporters of mine, and I did it. Reflecting back, I'm very sorry about it, but you know, it happened and it was because of my ambition, my youth, my lack of understanding, but it happened and it's not as I said it's not something I'm necessarily proud of.

RATHER: Robert Strong says he saw many well connected young men pull strings and avoid service in Vietnam.

Why would these men do this? Didn't conscience come into play somewhere here?

STRONG: What you saw is the way power works. Power begets power. Power goes to power to get more power. If you have a little bit of power and someone offers you an opportunity to gain more power by doing power a favor, this is what power does. It trades on itself. It feeds on itself. This is the way the system worked. This is the way state government worked. This is the way the Guard worked.

RATHER: Thirty years after the fact, Ben Barnes says he is one of many Americans still trying to make peace with what he did during the war.

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Federal News Service September 10, 2004 Friday

You've thought about it a lot since then?

BARNES: I've thought about it an awful lot, and you walk through the Vietnam memorial and I'll tell you, you'll think about it a long time.

RATHER: How do you feel about it now?

BARNES: Well, I don't think that I had any right to have the power that I had to be able to choose who was going to Vietnam and who was not going to go to Vietnam. That's a power. In some instances as I looked at those names, maybe determining life or death, and that's not a power that I want to have.

RATHER: Too strong or not to say that you are ashamed of it now.

BARNES: Oh, I think that would be a somewhat appropriate thing. I'm very, very sorry.

LOAD-DATE: September 12, 2004

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Copyright 2004 News World Communications, Inc.
The Washington Times

September 17, 2004 Friday

SECTION: NATION

LENGTH: 597 words

HEADLINE: Rather rumble likely to cost CBS

BYLINE: By Jennifer Harper, THE WASHINGTON TIMES

BODY:

NATION

Analysts see slip in ratings

A drop in ratings? CBS could pay the ultimate price for standing by anchorman Dan Rather's insistence that he did not use forged documents in an effort to prove that President Bush compromised his National Guard service three decades ago

"The news is a commodity with a brand image. Just as you'd shy away from a product if it had a poor performance rating, CBS will suffer in the short term and lose viewers," noted Center for Media and Public Affairs Director Matthew Felling, who suggested that CBS could consider suspending Mr. Rather for a month.

"But if CBS makes a high-profile campaign to regain its image, the public is forgiving, even in this politicized, thousand-channel era."

Overall, CBS is at the bottom of the heap for evening newscasts nationwide, according to Nielsen Media Research ratings.

Mr. Rather drew an average 6.7 million viewers last week. ABC's Peter Jennings had 8.6 million, while NBC's Tom Brokaw won the race with 9.5 million, a Nielsen spokeswoman said yesterday.

The trend marks a fall for CBS, which has been in second place the past two years.

Still, the National Guard story had some cachet: 6.9 million people tuned in Sept. 8 to watch Mr. Rather face "60 Minutes" cameras and claim he had obtained four damaging documents showing that Mr. Bush had disobeyed a direct order, among other charges. Several news organizations and document experts say the memos appear to be forged.

The nation was less interested in Mr. Rather's follow-up story a week later. An NBC interview with injured Las Vegas tiger tamer Roy Horn came in first in the evening lineup Wednesday, averaging 14 million viewers; more than 6 million tuned in to "60 Minutes."

Ironically, CBS leads in the fictional entertainment realm. Thanks to "Big Brother" and "NCIS," CBS topped ABC, NBC and Fox this week.

"If there's damage because of the story, it's most likely to hurt Dan Rather, rather than CBS," New York-based network news analyst Andrew Tyndall said yesterday. "But there may be no damage. The jury is still out on this."

The United States may not care about Mr. Rather's memo hubbub, however.

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The Washington Times September 17, 2004 Friday

Only 21 percent of the nation is closely following stories related to "Bush's National Guard service," according to a Pew Research Center for the People and the Press poll of 2,494 adults taken between Sept. 8 and Sept. 14 and released yesterday.

Media Research Center director Brent Bozell called CBS' latest defensive efforts "pathetic," adding, "Sentiments about the spirit of forged documents are utterly irrelevant, but in the tradition of Bill Clinton's classic denials, it all depends on what CBS' definition of 'truth' is."

CBS also is a vigorous supporter of John Kerry, according to a Center for Media and Public Affairs summary of 432 network news stories between June 1 and Sept. 2.

It found that 69 percent of CBS stories covering Mr. Kerry were positive, while 44 percent of those on Mr. Bush gave positive feedback. The corresponding numbers at ABC were 55 percent and 45 percent, and 64 percent and 27 percent at NBC.

Meanwhile, a further breakdown of ratings numbers found Mr. Rather's "CBS Evening News" broadcast languishing in nine of the top 10 markets in the country. In Philadelphia, for example, Mr. Rather drew 2.6 million viewers, compared with 13 million for ABC and 4 million for NBC.

In New York, Mr. Rather was again beaten by his network rivals, and had a smaller audience than three sitcom reruns, according to a comparison by Matt Drudge yesterday.

c Contact Jennifer Harper at jharper@washingtontimes.com

LOAD-DATE: September 17, 2004

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Los Angeles Times

September 18, 2004 Saturday
Home Edition

SECTION: MAIN NEWS; National Desk; Part A; Pg. 1

LENGTH: 1980 words

HEADLINE: THE RACE TO THE WHITE HOUSE;

In the Rush for a Scoop, CBS Found Trouble Fast;

Its report on Bush's Guard service offers a cautionary tale in an age of growing competition.

BYLINE: Josh Getlin, Elizabeth Jensen and Scott Collins, Times Staff Writers

DATELINE: NEW YORK

BODY:

It was 11 a.m. on Sept. 8 -- nine hours before "60 Minutes" was to air. But as news executives debated whether to broadcast a story on newly obtained paperwork offering fresh evidence about President Bush's National Guard service, a big question hung over CBS News' Westside headquarters: Were the photocopied documents real or fake?

Suddenly, the answer seemed to materialize, and from an unlikely source -- the White House itself.

John Roberts, the network's White House correspondent, called to report he'd just completed an on-camera interview with Dan Bartlett, the White House communications director. Bartlett, it appeared, had no quarrel with the authenticity of the documents.

That was the turning point.

"If we had gotten back from the White House any kind of red flag, raised eyebrow, anything that said, 'Are you sure about this stuff?' we would have gone back to square one," Josh Howard, the program's executive producer, told the Los Angeles Times in an interview Friday. "The White House said they were authentic, and that carried a lot of weight with us."

The story aired that night, and Dan Rather, the CBS News anchor, seemed to have scored yet another coup in his broadcasting career. Hours later, the roof fell in.

Critics, many of them Internet-based, immediately charged that CBS had relied on phony documents from a shadowy, unnamed source. Rather, 72, long a target for conservative critics, was again fending off allegations of liberal bias. A growing chorus of media observers voiced distress that CBS had hurried a story onto the air without fully checking the facts.

And Friday evening, the White House denied that it ever confirmed the documents as authentic. "For them to suggest that [the interview was] an endorsement or ratification of the documents is a terrible stretch of reality," Bartlett said in an interview.

He also disclosed that he had shown the documents that morning to President Bush. "He had no recollection of these specific documents," Bartlett said, though the president said some of the information seemed accurate. For instance, he did go to Alabama. But he denied having defied orders from his superiors, Bartlett said.

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Los Angeles Times September 18, 2004 Saturday

The network said Friday that it had assembled a 12-person team that continued to report the story. But Howard and others stand behind it -- even if the documents used to support the story are shown to be fake.

The questions about Bush's military service as raised by the memos have long been the subject of speculation. They received new life with the CBS broadcast, which also alleged that Bush was helped to the front of the line to get into the Guard.

The "60 Minutes" broadcast used the documents to assert that Bush's squadron commander in the Texas Air National Guard grounded him from flying after he missed a medical examination and failed to meet performance standards. The four memos, allegedly from the personal files of the late Lt. Col. Jerry B. Killian, also suggested that Bush received favored treatment.

As criticism of the broadcast mounted, Rather defended the documents' authenticity in an unusual "CBS Evening News" broadcast two days later. But sources continued to come forward, shedding doubt on both the documents and how the network vetted them. On Sept. 15, one week after the original broadcast, "60 Minutes" aired an interview with one of the most persuasive critics, Marion Carr Knox, 86, who was Killian's typist at the time. She said the memos were fake, but added that she believed the content was essentially accurate.

"You never want to be accused of getting a story wrong, but we are human," Howard said Friday. "We have a terrific team. However, we can get something wrong. My interest is in getting it right, if not the first time, then at least the second time."

In the crucial interview with the White House communications director, Howard noted that Roberts had specifically asked if the documents were fake. Bartlett's answer was: "I'm not saying that at all. I'm just saying that the fact that documents like this are being raised when, in fact, all they do is reaffirm what we've said all along, is questionable."

The network's new reporting will be wrapped up soon, perhaps this weekend or early next week, Howard said. More sources have come forward in recent days, and CBS is leaning on its original sources to see if they will go on the record, he added.

A behind-the-scenes look at how CBS raced to make a Sept. 8 broadcast deadline offers a cautionary tale of television news in an age of mounting competitive pressures. Although many news organizations were pursuing a definitive breakthrough on the National Guard story, CBS appeared to have the competition beat -- until its scoop became a public relations disaster.

Many observers believe Rather and CBS will survive the storm -- but only if they make a quick admission of guilt, assuming the documents are fraudulent. The anchor has complained that the furor over the documents has distracted attention from the truth of the story about Bush. Yet critics don't buy that argument.

"The fact is CBS used those documents as the smoking gun," said Alex Jones, head of the Shorenstein Center on the Press, Politics and Public Policy at Harvard University. "I don't believe Dan set out to mislead anybody, but he's got to stand up and take a bullet. His credibility and that of CBS are very much on the line."

A Look Behind Scenes

The news business is built on trust, and there was no reason for "60 Minutes" not to trust Mary Mapes, 48, who lives in Dallas. She is universally well regarded by her colleagues, with a number of big stories to her credit.

Most notably, she was the producer on Rather's major scoop earlier this year making public pictures of U.S. soldiers degrading and humiliating prisoners in Iraq's Abu Ghraib prison. CBS went through a similar vetting process to make sure that those pictures were authentic, CBS executives said.

Mapes could not be reached for this story.

Although CBS News notes that Mapes had been chasing the National Guard story for five years, it only came back on the active burner in mid- to late August.

That's when executive producer Howard got a call from her, telling him "she was on to something" and wanted to put her other projects aside.

Over the next couple of weeks, he said, "she would call from time to time, telling me she was getting closer, not closer, something that she was looking up that was a blind alley -- those kinds of things that reporters do when tracking a story. There was nothing definitive" until he got the call from her on Sept. 3, Howard recalled.

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Los Angeles Times September 18, 2004 Saturday

On that Friday, just before the Labor Day weekend, Mapes excitedly phoned her bosses from Texas to report a breakthrough in the document quest. "I've got them," she told Howard.

As excitement spread through CBS offices on West 57th Street, there was a rush to get the pieces in place.

On Sept. 5, Rather hopped a charter flight to Texas from Florida, where he'd been covering Hurricane Frances, to meet Mapes and to interview Robert Strong, a witness who helped confirm the story. Strong had run the Texas Air National Guard administrative office in the Vietnam era and was a friend of Bush's squadron commander, Killian

Vacationing executives were looped in by phone on their various Labor Day getaways. Mapes spent the long weekend lining up experts to authenticate the papers and setting up interviews.

Mapes also set up the interview with Ben Barnes, who said that, as speaker of the Texas House of Representatives, he had intervened to make sure Bush was inducted into the National Guard.

Barnes flew to New York to be interviewed by Rather on Sept. 7, the same day that senior CBS News executives got back from the holiday and got their first look at the documents. Throughout the day, Howard said, there were numerous meetings in CBS' offices to discuss the documents' significance

They had consulted outside experts to help them check the papers, and several confirmed their accuracy.

Marcel B. Matley, a handwriting expert from San Francisco, signed a letter this week saying he found "nothing about the documents that could disprove their authenticity." And James J. Pierce, a forensic examiner from Newport Beach, also signed a letter vouching for the signatures and typeface in the documents.

But others said they had voiced strong warnings to the network.

Emily Will, a professional document examiner in North Carolina consulted by the network to help assess two memos related to Bush's military service, said her copies showed a fax footer with a time stamp that read 6:41 p.m. Sept. 2.

The header of the fax, which presumably showed information about the sender, referred to a Kinko's shop near Abilene, Texas.

Will and another document examiner, Linda James of Plano, Texas, said they were first contacted by CBS News on Sept. 3.

"They said they had some documents, some sensitive documents, and would I mind working over the Labor Day weekend," Will said in an interview. "They wanted to know whether the signatures were genuine and the documents were genuine."

Will said she found "serious problems" with the documents. She isolated five ways in which the Killian signature on a 1973 memo did not match up with the other provided samples of his handwriting. She also wondered whether the memos contained superscripts and proportional spacing that existed in 1972 and '73, although she emphasized that her expertise mainly concerned handwriting and signatures and not the finer points of typography.

On Sept. 5, Will sent notations on the memos to CBS via e-mail and also voiced her concerns to a producer over the phone. The producer said they had more material to send her, but Will said those additional documents never arrived.

Meanwhile, James told producers she was troubled that she was looking at only copies and not originals. "[I] described what I needed in order to go ahead with the examination," James said. CBS promised it would send more paperwork, but according to James it never arrived.

"We knew it was a rush job. They wanted to air [the story] by Wednesday night," James said.

When time passed and Will heard nothing, she called CBS News the night of Sept. 7. She said she told her contact - whom she declined to name -- "If you run this story, you'll get all sorts of questions from hundreds of document examiners." Will declined to say what if any reply CBS gave to her warning.

By the night of Sept. 7, CBS was promoting the next day's interview with Barnes and reporters from other news organizations were calling to see if they could get an advance look at what CBS was rumored to have, previously undisclosed documents.

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Los Angeles Times September 18, 2004 Saturday

But Howard said, "We weren't comfortable with that. We were keeping this to ourselves until we were certain." He explained that CBS still hadn't decided whether it would use the documents because they hadn't been authenticated to its satisfaction.

Then the morning of Sept. 8 -- as producers and executives including CBS News Senior Vice President Betsy West were meeting -- the call came in from the network's White House correspondent.

"John Roberts said he had just finished the interview with Bartlett, and [Bartlett] had no quarrel with the authenticity of the documents," Howard recalled. "And in fact, in several places in the interview he used the documents to support the White House position that Bush did what he needed to do with regards to his National Guard service."

The mood at CBS was upbeat that evening when the story aired. But less than four hours later, a mysterious blogger named "Buckhead" was the first to challenge the National Guard documents. Later identified as Harry W. MacDougald, an Atlanta lawyer with close ties to conservative Republican causes, he claimed the materials were forgeries and said "this should be pursued aggressively."

The unraveling had begun.

*

Getlin and Jensen reported from New York, and Collins from Los Angeles.

GRAPHIC: PHOTO: AIDE: CBS says White House's Dan Bartlett signaled memos were authentic; he denies it. **PHOTOGRAPHER:** Ron Edmonds Associated Press **PHOTO: UNDER FIRE:** CBS News anchor Dan Rather faces accusations of liberal bias. **PHOTOGRAPHER:** Suzanne Plunkett Associated Press

LOAD-DATE: September 18, 2004

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Copyright 2004 The Washington Post

The Washington Post

September 19, 2004 Sunday
Final Edition

SECTION: A Section; A01

LENGTH: 3283 words

HEADLINE: In Rush to Air, CBS Quashed Memo Worries

BYLINE: Howard Kurtz, Michael Dobbs and James V. Grimaldi, Washington Post Staff Writers

BODY:

In the early-morning hours of Sept. 8, Dan Rather was preparing to fly to Washington for a crucial interview in the Old Executive Office Building, but torrential rain kept him in New York.

White House communications director Dan Bartlett had agreed to talk to "60 Minutes," but only on condition that the CBS program provide copies of what were being billed as newly unearthed memos indicating that President Bush had received preferential treatment in the National Guard. The papers were hand-delivered at 7:45 a.m. CBS correspondent John Roberts, filling in for Rather, sat down with Bartlett at 11:15.

Half an hour later, Roberts called "60 Minutes" producer Mary Mapes with word that Bartlett was not challenging the authenticity of the documents. Mapes told her bosses, who were so relieved that they cut from Rather's story an interview with a handwriting expert who had examined the memos.

At that point, said "60 Minutes" executive Josh Howard, "we completely abandoned the process of authenticating the documents. Obviously, looking back on it, that was a mistake. We stopped questioning ourselves. I suppose you could say we let our guard down."

CBS aired the story eight hours later, triggering an onslaught of criticism that has left Rather and top network officials struggling to explain why they relied on a handful of papers that even some of Rather's colleagues now believe to be fake.

An examination of the process that led to the broadcast, based on interviews with the participants and more than 20 independent analysts, shows that CBS rushed the story onto the air while ignoring the advice of its own outside experts, and used as corroborating witnesses people who had no firsthand knowledge of the documents. As CBS pushed to finish its report, it was Bartlett who contacted the network -- rather than the other way around -- at 5:30 the evening before to ask whether the White House could respond to the widely rumored story.

Later, Bartlett would explain why he did not challenge the documents with a question: "How am I supposed to verify something that came from a dead man in three hours?"

Other questions abound: How could a program with the sterling reputation of "60 Minutes," which created the television newsmagazine during the Johnson administration, have stumbled so badly? And how could Rather, at 72 the dean of the network anchors, have risked his reputation on such a story in the heat of a presidential campaign?

CBS News President Andrew Heyward, who joined the network 23 years ago as Rather's producer, said his staff was extremely careful with the story. "We have a thorough vetting process," Heyward said last week. "Everyone was aware this was a high-stakes story." He approved the piece, Heyward said, because "we felt it was ready."

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Rather also dismissed the notion that CBS was negligent: "I'm confident we worked longer, dug deeper and worked harder than almost anybody in American journalism does."

Mary Mapes had been trying to get her hands on the rumored documents for five years.

The Dallas-based producer, known for staying calm when everyone else is agitated, goes back a long way with Rather. In 1999, a judge ordered her jailed for refusing to turn over transcripts of Rather's interview with a man accused in the dragging death of James Byrd Jr. -- but she was spared when CBS finally surrendered the papers. When Rather broke the story of Iraqi prisoner abuse at Abu Ghraib this spring, it was Mapes who helped obtain the shocking pictures.

In mid-August, Mapes told her bosses that she had finally tracked down a source who claimed to have access to memos written in 1972 and 1973 by the late Lt. Col. Jerry B. Killian, Bush's squadron commander in the Texas Air National Guard. The memos, she was told, revealed how the young pilot from a famous family had received favorable treatment, even after refusing an order to report for a physical. Rather and his producer met the source at an out-of-the-way location.

Mapes, an associate producer and a researcher were carrying the journalistic load. "The show is not so lavishly budgeted that we have tons of people doing this," said Harry Moses, a "60 Minutes" producer not connected to the story. "You do the pre-interviews yourself and then bring in the correspondent."

During the Republican National Convention in New York, Rather got a call from Ben Barnes, a onetime Texas lieutenant governor and veteran Democrat who has known the anchor, a former Houston TV reporter, for 30 years. Barnes said he was ready to say before the cameras that he had pulled strings to get Bush a coveted slot in the Texas Guard in 1968. Mapes had long been urging Barnes to tell his story.

On Friday, Sept. 3, the day after the convention ended, Mapes hit pay dirt. She told Howard her source had given her the documents. Within hours, Mapes began calling around to find independent analysts who could examine the handful of memos said to have been written by Killian. She found one in Dallas, who helped put her in touch with three others.

The next stop was Texas. Rather was in Florida, so CBS chartered a plane to get him to Austin. On Sunday, Sept. 5, he and Mapes interviewed Robert Strong, an administrative assistant in the Texas Guard during Bush's service there. Strong told them the memos were compatible with what he knew of Killian but did not claim to have seen them before. "I cannot recall that Jerry Killian talked about Bush, and am not sure he would have discussed it with me," Strong recently told The Washington Post.

That same day, back in the ninth-floor offices of "60 Minutes," across West 57th Street from the CBS Broadcast Center, warnings about the story began to surface.

Emily Will of North Carolina, one of the experts CBS had asked to examine the memos, sent Mapes an e-mail outlining her concerns over discrepancies in Killian's signature. She also phoned CBS and raised more questions about whether the typography in the memos existed in 1972 and differences with other military documents. "They looked like trouble to me," Will said.

Linda James, a document examiner who lives near Mapes, was raising similar questions. The two memos she looked at "had problems," James recalled telling CBS, and she could not rule out that they had been "produced on a computer."

Document analyst Marcel Matley flew from California to New York, and Rather interviewed him on Labor Day, Sept. 6 -- footage that would end up on the cutting-room floor. But Matley limited his examination to Killian's signature, which he believed was probably valid, but not certain -- the lowest endorsement he offers. Because the memos were copies, Matley said in a recent interview, "there's no way that I, as a document expert, can authenticate them. . . . I can't say either way from my expertise, the narrow, narrow little field of my expertise."

None of the analysts, including the fourth, James J. Pierce of California, provided the network with a written report before the broadcast. Howard said Mapes told him the analysts' concerns had been addressed.

Rather said he grew more confident when Mapes began speaking with retired Col. Bobby W. Hodges, Killian's superior in the Guard. Hodges said Killian felt that Bush had been treated too leniently in those days. That was important, in Rather's view, because Hodges remained a staunch supporter of the president. But Hodges later said that

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The Washington Post September 19, 2004 Sunday

he felt "misled" by CBS, that the memos were read to him over the phone and that he believes from discrepancies in the military abbreviations that they are forgeries.

On Tuesday, Sept. 7, as Rather sat down in a CBS studio with former Texas lieutenant governor Barnes, the top brass was turning its attention to the explosive story. Heyward, the news division chief, met with Senior Vice President Betsy West; executive producer Howard, who had taken over in June after shifting from the program's Sunday edition; Mapes; senior broadcast producer Mary Murphy; and Esther Kartiganer, whose job is to ensure that interviews are not edited in a misleading way.

"All of us asked questions," Heyward said.

"We asked core questions -- about reliability, authenticity, motivation, could the source have had access to the documents," West said. The executives were satisfied by Mapes's answers, and she began writing the script.

But in separate phone calls to Mapes that day, two of the network's outside experts tried to stop the journalistic train, or at least slow it down.

Linda James said she "cautioned" CBS "if they ran it, that the problems I saw, that other document examiners would see. It just wasn't ready. The package wasn't ready. It didn't meet authenticating [standards]. To go at that stage, I just couldn't imagine."

Emily Will said she called the network that Tuesday and repeated her objections as strongly as possible. "If you air the program on Wednesday," she recalled saying, "on Thursday you're going to have hundreds of document examiners raising the same questions"

Howard said "60 Minutes" had planned to call Bartlett for an interview when the Texas-born Bush aide contacted CBS first on Tuesday evening. Back in his Manhattan apartment that night, at 11 o'clock, Howard got an e-mailed version of the script from Mapes. He sent it back with suggestions. The next morning -- which loomed as deadline day -- he got up at 6 to look at a revised version.

Rather was already at the studio, recording the audio track. At 11 a.m., Howard, West, Murphy and Kartiganer gathered to watch another piece in the screening room, where they were joined by two CBS lawyers as they began discussing the Guard story. Howard had a backup segment planned -- "60 Minutes" was still in rerun season -- in case he decided to hold the Rather story. Mapes left the meeting to take John Roberts's call from the White House.

Bartlett said he caught the president leaving for a campaign trip that morning and showed him the memos. Bush had "no recollection of having seen them," Bartlett said, and would not necessarily have seen papers from a commander's personal file.

Howard was struck by the fact that Bartlett, in his interview, kept referring to the Killian memos to support his argument that the president had fulfilled his military obligations.

"This gave us such a sense of security at that moment that we had the story," Howard said. "We gave the documents to the White House to say, 'Wave us off this if we're wrong.' " But Bartlett said CBS never asked him to verify the memos and that he had neither the time nor the resources to do so.

The wheels were in motion. In mid-afternoon, the CBS executives went into a pair of eighth-floor editing rooms where the segment was being put together in pieces, over Rather's soundtrack. They made some script changes as the crew struggled to slice three minutes out of the 15-minute segment.

At 7 p.m., Heyward joined the other executives in the Broadcast Center screening room for a final look at the piece as it was being fed into the show. He could still raise objections, but it would be difficult to make major changes with the clock ticking like the famed "60 Minutes" stopwatch. No changes were made.

Forty-five minutes later, 8.1 million people watched Rather report that Bush had received preferential treatment in the Guard. The program rated second, finishing behind the NBC drama "Hawaii."

After the show, one colleague asked an elated Rather whether he was sure the documents were real. "I have never been more confident of a story in my life," he said.

The first sign of trouble came the next afternoon, when a staffer told Howard that a Web site was questioning whether the Killian memos could have been produced on an early 1970s typewriter. In fact, the Internet was buzzing with such critiques. Howard asked Mapes about one of the charges, that typewriters of that period did not use

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The Washington Post September 19, 2004 Sunday

superscripts, such as a raised "th," that appeared in the memos. She came back with military documents that used a small "th," but the letter combination was not raised above the rest of the type, as true superscript would be. Howard said he believed some of the outsiders' questions about superscript and proportionate spacing were "kind of silly."

On Friday, Sept. 10, as major news organizations began questioning the validity of the memos, Rather interviewed document expert Matley by satellite from San Francisco and used his comments on the "CBS Evening News." In the piece, Rather strongly defended the network's story, even while noting that "some people, including many who are partisan political operatives," were questioning whether the documents were authentic. Rather, who had first tangled with a Republican White House during Watergate, said in an interview that the focus should not be on CBS and that journalists "should be asking President Bush and his staff questions about what is true and not true about the president's military service."

A new problem surfaced when reporters found that the man cited in a 1973 memo as pushing to "sugarcoat" Bush's record, Col. Walter B. "Buck" Staudt, had been honorably discharged a year and a half earlier.

On Monday, CBS turned to two new analysts to counter the critics. One of them, Richard Katz, said later that he had merely set out to prove the memos had not been created with Microsoft Word or other modern computer programs. He told The Post that he is not a document examiner and that "I have no interest in authenticating the documents." The other analyst, Bill Glennon, said he is an information technology consultant, adding: "I'm not an expert, and I don't pretend to be."

Pierce, the California analyst first consulted by CBS before the broadcast, gave the network a three-paragraph statement calling the memos "strongly similar to corresponding samples," but CBS did not release any corroborating evidence.

Rather defended the story again on the evening news that night. But this time, he said, "some of these questions come from people who are not active political partisans." He closed by saying that CBS "believes the documents are authentic."

Asked at the time whether there was at least a slight chance that the documents were bogus, Heyward said: "I see no percentage of possibility."

It quickly became clear that the people CBS hired to authenticate the documents had -- and claimed -- only limited expertise in the sometimes arcane science of computer typesetting technology and fonts. Such expertise is needed to determine whether the records could have been created in 1972 and 1973. Independent experts contacted by The Post were surprised that CBS hired analysts who were not certified by the American Board of Forensic Document Examiners, considered the gold standard in the field.

These software experts say differences in font widths and printing styles make it impossible to replicate the CBS documents using the printing technology available in the early 1970s. By contrast, reasonably competent computer enthusiasts have created nearly exact replicas of the documents in 15 minutes employing default settings for Microsoft Word and the widely used Times New Roman font.

While Glennon continues to insist that the documents could theoretically have been printed on a Vietnam War-era IBM Selectric, no one has been able to demonstrate this. Leading font developers say the technology simply did not exist 30 years ago.

One telltale sign in the CBS documents is the overlapping character combinations, such as "fr" or "fe," said Joseph M. Newcomer, an adjunct professor with Carnegie Mellon University. Blown-up portions of the CBS documents show that the top of the "f" overlaps the beginning of the next letter, a feat that was not possible even on the most sophisticated typewriters available in 1972. Newcomer calls the documents "a modern forgery."

Tests run by Thomas Phinney, fonts program manager for Adobe Systems, show that none of the possible font widths available on any typewriter or any IBM device from 1972 are able to produce an exact replica of the CBS documents. "Can they do something 'similar'? Sure," Phinney said. "Could they produce those exact memos? Impossible."

As conservative critics called for Rather's scalp, the spotlight turned to who provided the documents to CBS and whether that person was part of a hoax, or even a political setup.

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CBS sources confirmed a report in Newsweek that one of the people Mapes interviewed was Bill Burkett, a retired Guard officer who has accused Bush aides of conspiring with the head of the Texas Guard to "sanitize" the president's military records. Burkett's accusations, which have been denied by the White House and Guard officials, have never been proved.

Since leaving the Guard, Burkett has run a ranch near Abilene, Tex., and been active in local Democratic politics, posting messages on the Internet urging other Democrats to wage "war" against Republican "dirty tricks." He has told reporters that he suffered from depression and had a nervous breakdown after the military declined to treat him for a tropical disease he contracted while on assignment in Panama.

CBS executives declined to address news accounts that pinpoint Burkett as the confidential source for the documents but say they weighed the fact that anyone turning over the material would not be a fan of the president. Burkett would not comment on whether he supplied the documents but said by e-mail to The Post that he would "encourage everyone to not cast too many doubts prematurely" on the "60 Minutes" broadcast.

Strong, the former Guard officer, said last week that when Rather showed him the documents, they contained a header showing they had been faxed to the network from a Kinko's copy shop in Abilene.

As the storm of criticism grew louder, Rather, Heyward and the program's staff still believed that the documents were genuine. They had no way of knowing that an 86-year-old woman in southwest Houston was discussing the controversy with a neighbor.

"I know Dan Rather is right," Marian Carr Knox, a former secretary in Bush's Guard unit, recalled saying. The neighbor said she should do something about it. So she called a Houston newspaper, Knox told CBS, but did not get a call back. Dallas Morning News reporter Pete Slover soon tracked down Knox and showed her copies of the Killian memos.

"These are not real," declared Knox, who said she handled Killian's memos. "They're not what I typed, and I would have typed them for him."

When a "60 Minutes" staffer showed Howard an online version of the Morning News story Tuesday night, "my initial reaction was not, 'Oh, my God, we're wrong,'" he said. But he immediately recognized that his program had to take her account seriously.

CBS got hold of Knox and had her on a plane to New York on Wednesday. Rather started the hour-long interview at 4 p.m., and while Knox said the underlying story was true -- that Killian had made such comments about Lt. Bush -- she insisted the memos were fake. Mapes had three hours to edit the interview for that night's "60 Minutes."

As they continue their investigation into whether they were hoaxed, CBS officials have begun shifting their public focus from the memos themselves to their underlying allegations about the president. Rather said that if the memos were indeed faked, "I'd like to break that story." But whatever the verdict on the memos, he said, critics "can't deny the story."

As the days begin to blur for Josh Howard, he embraces the same logic: "So much of this debate has focused on the documents, and no one has really challenged the story. It's been frustrating to us to see all this reduced to a debate over little 'th's'."

Researchers Alice Crites and Meg Smith contributed to this report

LOAD-DATE: September 19, 2004

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CBS News Transcripts

SHOW: CBS Evening News 6:30 AM EST CBS

September 20, 2004 Monday

LENGTH: 717 words

HEADLINE: CBS News admits to being misled regarding documents pertaining to President Bush's National Guard service

ANCHORS: DAN RATHER

BODY:

DAN RATHER, anchor:

Now news about CBS News and the questions surrounding documents we aired on this broadcast and on the Wednesday edition of "60 Minutes" on September 8th. The documents purported to show that George W. Bush received preferential treatment during his years in the Texas Air National Guard. At the time, CBS News and this reporter fully believed the documents were genuine. Tonight, after further investigation, we can no longer vouch for their authenticity. The documents were provided to CBS News by a former commander in the Texas Air Guard, Bill Burkett. He did not come to us, we went to him and asked him for the documents.

Burkett is well-known in National Guard circles for a long battle over his medical benefits and for trying, for several years now, to discredit President Bush's military service record. Burkett initially told CBS News he got the documents from a fellow guardsman. But when we interviewed Burkett this past weekend, he changed his story and told us he got the documents from a different source, one we cannot verify. Why did Burkett tell CBS News something he now says is not true? We put the question to him.

Why did you mislead us?

Mr. BILL BURKETT (Former Texas Air National Guard Commander): Well, I didn't totally mislead you. I did mislead you on the one individual. You know, your staff pressured me to a point to reveal that source.

RATHER: Well, we were trying to get the chain of possession.

Mr. BURKETT: I understand that.

RATHER: And you said you had received them from someone.

Mr. BURKETT: I understand that.

RATHER: And we did pressure you to say, well, you received them from someone and that someone was whom?

Mr. BURKETT: Yes.

RATHER: And it's true, we pressured you because it was a very important point for us.

Mr. BURKETT: I--you--yes, and I simply threw out a name that was, basically, it was--I guess--to get a little pressure off for a moment.

RATHER: Have you forged anything?

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Mr. BURKETT: No, sir.

RATHER: Have you faked anything?

Mr. BURKETT: No, sir

RATHER: But you did mislead us? You have used the word lied.

Mr. BURKETT: Yes, I admit to it. Yes, I did.

RATHER: You lied to us. Why would I or anyone believe that you wouldn't mislead us about something else?

Mr. BURKETT: I could understand that question. I can't. That's going to have to be your judgment and anybody else's.

RATHER: Burkett still insists the documents are real, but says he was in no position to verify them.

Mr. BURKETT: I also insisted when I sat down with your staff in the first face-to-face session, before I gave up any documents, I wanted to know what you were going to do with them, and I insisted that they be authenticated.

RATHER: The failure of CBS News to do just that, to properly fully scrutinize the documents and their source, led to our airing the documents when we should not have done so. It was a mistake. CBS News deeply regrets it. Also, I want to say personally and directly, I'm sorry.

CBS News president Andrew Haywood has ordered an independent investigation to examine the process by which the report was prepared. The results of that investigation will be made public. This was an error made in good faith as we tried to carry on the CBS News tradition of asking tough questions and investigating reports, but it was a mistake.

Now some reaction to our revelations today. It comes from a spokesman for President Bush, Scott McClellan.

Mr. SCOTT McCLELLAN (White House Press Secretary): Obviously there are still a number of questions that need to be answered. We look forward to seeing the results of the investigations that other media organizations have undertaken and that CBS says that they are now undertaking. And we appreciate the fact that they have said they deeply regret it, but we still need--want to see those questions answered

RATHER: And Scott McClellan repeated the White House insistence that President Bush fulfilled his obligation to the National Guard and he noted again the president was honorably discharged.

Coming up next on the CBS EVENING NEWS, the ongoing TASER controversy. A lawsuit alleges he was killed by the popular stun gun. Are or are not police getting TASER-happy? We'll give you the Inside Story. Then later, it's a disease doctors thought was wiped out years ago. Why is rickets making a comeback? A HealthWatch report.

LOAD-DATE: September 21, 2004

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1 of 1 DOCUMENT

Copyright 2004 Gannett Company, Inc.
USA TODAY

September 21, 2004, Tuesday, FINAL EDITION

SECTION: NEWS; Pg. 1A

LENGTH: 517 words

HEADLINE: CBS had source talk to Kerry aide

BYLINE: Kevin Johnson, Dave Moniz and Jim Drinkard

DATeline: WASHINGTON

BODY:

WASHINGTON -- CBS arranged for a confidential source to talk with Joe Lockhart, a top aide to John Kerry, after the source provided the network with the now-disputed documents about President Bush's service in the Texas National Guard.

Lockhart, the former press secretary to President Clinton, said a producer talked to him about the *60 Minutes* program a few days before it aired on Sept. 8. She gave Lockhart a telephone number and asked him to call Bill Burkett, a former Texas National Guard officer who gave CBS the documents. Lockhart couldn't recall the producer's name. But CBS said Monday night that it would examine the role of producer Mary Mapes in passing the name to Lockhart.

Burkett told USA TODAY that he had agreed to turn over the documents to CBS if the network would arrange a conversation with the Kerry campaign.

The network's effort to place Burkett in contact with a top Democratic official raises ethical questions about CBS' handling of material potentially damaging to the Republican president in the midst of an election. This "poses a real danger to the potential credibility . . . of a news organization," said Aly Colon, a news ethicist at The Poynter Institute for Media Studies.

"At Burkett's request, we gave his (telephone) number to the campaign," said Betsy West, senior CBS News vice president.

CBS would not discuss the propriety of the network serving as a conduit between Burkett and the Kerry campaign. "It was not part of any deal" to obtain the documents, West said, declining to elaborate.

But Burkett said Monday that his contact with Lockhart was indeed part of an "understanding" with CBS. Burkett said his interest in contacting the campaign was to offer advice in responding to Republican criticisms about Kerry's Vietnam service. It had nothing to do with the documents, he said.

"My interest was to get the attention of the national (campaign) to defend against the . . . attacks," Burkett said, adding that he also talked to former Georgia senator Max Cleland and Democratic presidential candidate Howard Dean during the past 45 days. "Neither the Democratic Party or the Kerry campaign had anything to do with the documents," he said.

Lockhart said he phoned Burkett at the number provided by CBS. Lockhart also said that the documents never came up in his conversation with Burkett. Lockhart said the conversation lasted just a few minutes. "It's possible that the producer said they had documents" before his conversation with Burkett, he said.

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USA TODAY, September 21, 2004

At the end of the conversation, Lockhart said he thanked Burkett for his interest, and there was no further contact with him. Asked why he called Burkett, Lockhart said he talks to "a lot of people."

"I called you, didn't I?"

The White House said CBS' contact with Lockhart was inappropriate. "The fact that CBS News would coordinate with the most senior levels of Sen. Kerry's campaign to attack the president is a stunning and deeply troubling revelation," said Dan Bartlett, White House communications director.

Contributing: Judy Keen

GRAPHIC: PHOTO, Color, H. Darr Beiser, USA TODAY; Lockhart: Given phone number.

LOAD-DATE: September 21, 2004

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1 of 1 DOCUMENT

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CNN.com

September 21, 2004 Tuesday

SECTION: POLITICS

LENGTH: 546 words

HEADLINE: Kerry adviser spoke with CBS document source

DATeline: NEW YORK

BODY:

A campaign adviser for John Kerry told CNN he spoke with retired Texas National Guard officer Bill Burkett -- the man who CBS said provided them with disputed documents -- days before the "60 Minutes" piece aired and after a call from a CBS news producer, but strongly denied any connection with the story.

The Bush-Cheney campaign quickly condemned the latest revelation in the reporting scandal, calling on the Kerry camp to "come clean" on its involvement.

The Kerry adviser, Joe Lockhart, late Monday denied any coordination or connection with CBS. Asked if anyone in the campaign had any involvement in pushing the story, Lockhart said, "No."

"We had nothing to do with these documents or forgeries or whatever they are," Lockhart, who served as press secretary in the Clinton White House, told CNN's Candy Crowley "I did not talk to Burkett about any documents or even the National Guard story."

CBS News said Monday it cannot vouch for the authenticity of documents that cast doubt on President Bush's Vietnam-era National Guard service, and its top anchor, Dan Rather, apologized for the report on-air.

Burkett, the man who provided the documents to CBS, denied forging the documents but admitted he lied to CBS about who provided them.

Lockhart said he talked with Burkett the Sunday or Monday before the CBS News report aired Wednesday, September 8.

According to the Kerry adviser, he was called by CBS News producer Mary Mapes that Saturday night, who told him Burkett had been "helpful" on the story and wanted to talk to the campaign.

Lockhart said Mapes told him CBS had some kind of documents related to the president's Guard service, but did not say what they were or that they came from Burkett.

In what Lockhart said was three- to four-minute conversation, he said Burkett offered advice on the attack ads being run by the Swift Boat Veterans for Truth, saying the Kerry campaign had not done enough to respond.

According to Lockhart, Burkett encouraged the campaign to "be tougher" and give a major speech on Vietnam.

Lockhart said the conversation ended there, adding that "I have not talked to him since." He also said he has not spoken to Mapes since.

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CNN.com September 21, 2004 Tuesday

Lockhart said he was aware CBS was working on the Guard story because "You know how it works in Washington. Everybody talks to everybody." He said he told the Kerry campaign about his contact with Burkett, and was not told of any problem with it.

In a statement released Monday by the Bush-Cheney campaign, White House Communications Director Dan Bartlett called the developments "stunning and deeply troubling."

"The fact that CBS News would coordinate with the most senior levels of Senator Kerry's campaign ... raises serious questions," Bartlett said. "It's time for the Kerry campaign to come clean about their involvement in this growing scandal and for Senator Kerry to immediately hold accountable anyone in his campaign that was involved."

A CBS spokeswoman told The Associated Press that the network will investigate Mapes' involvement in putting Lockhart in touch with Burkett.

"This is an example of the kind of thing that the independent panel that will be named in a few days will look into. When that review is complete, we will comment," Kelli Edwards said.

LOAD-DATE: September 22, 2004

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1 of 1 DOCUMENT

Copyright 2004 The Washington Post

The Washington Post

September 22, 2004 Wednesday
Final Edition

SECTION: A Section; A08

LENGTH: 624 words

HEADLINE: White House Links Memos, Kerry Effort;
Adviser to Democrat Calls Charge 'Smear Campaign'

BYLINE: Howard Kurtz, Washington Post Staff Writer

BODY:

The White House pounced yesterday on the disclosure that a CBS producer put the source of discredited documents about President Bush's National Guard service in touch with a senior adviser to John F. Kerry, saying this shows "coordination" between the Democratic nominee's campaign and the "60 Minutes" report.

Joe Lockhart, the Kerry aide who called CBS's source, former Texas Guardsman Bill Burkett, dismissed the charge as "a smear campaign" by Republicans. Another Kerry aide, Michael McCurry, said Kerry has been briefed and is "satisfied" with Lockhart's explanation that it was an innocuous conversation.

"He does not believe Joe did anything improper," said McCurry, who preceded Lockhart as President Bill Clinton's press secretary.

The dispute over Lockhart's role came as both campaigns tried to extract partisan advantage from the media furor over CBS's apology for failing to authenticate purported Guard documents before charging that Bush had received favorable treatment in his military unit 30 years ago. The flap resembles recent charges by Democrats that the Bush campaign had ties to the anti-Kerry group Swift Boat Veterans for Truth, which led to the resignation of Bush's campaign lawyer, who had advised the group.

Lockhart said Monday that anchor Dan Rather's producer, Mary Mapes, had asked him to call Burkett, an anti-Bush partisan, by saying that he had been helpful to CBS and mentioning the upcoming Guard story. Lockhart said that he called Burkett, without knowing who he was, and that the Texan offered advice but did not discuss the Guard documents.

Burkett has said he had an "understanding" with CBS that he would provide the documents in exchange for help reaching Lockhart.

CBS spokeswoman Kelli Edwards, asked about Mapes's actions, said: "It's obviously against CBS News standards and those of every other reputable news organization to be associated with any political agenda." She said that "to the best of our knowledge, there was no 'deal' " and that the matter will be examined by outside investigators CBS plans to appoint. On last night's "CBS Evening News," correspondent Bill Plante said Mapes's call had "at least the appearance of impropriety."

White House communications director Dan Bartlett said that "the coordination between the Kerry campaign and Burkett is highly troubling. . . . The idea that a top-level political operative like Mr. Lockhart had no conversation about the essence of the [Guard] story with either the producer or Bill Burkett is shocking to believe."

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The Washington Post September 22, 2004 Wednesday

Republican National Committee Chairman Ed Gillespie raised similar questions, telling Fox News: "I think it is time Senator Kerry came clean about all the contacts between CBS and his campaign and Bill Burkett. What did they know and when did they know it?"

Lockhart said Bartlett and Gillespie have declined invitations to debate him on several cable and network morning shows. Instead, he said, they are "besmirching my reputation" and trying to deflect attention from the war in Iraq.

Democratic National Committee Chairman Terence R. McAuliffe, saying the DNC had no involvement with Burkett, said Republicans are finding it "a lot easier to talk about Dan Rather than to talk about George W. Bush and the persistent, unanswered questions surrounding the president's National Guard service." He added that Bush's "discharge seems less and less honorable with each passing day. . . . This goes to his character and his credibility and whether he's being honest with the American people."

Bartlett described the attacks as "the new strategy of the Kerry campaign, to call the president a liar." He said questions about Bush's Guard service "have been answered on countless occasions over the last 10 years."

LOAD-DATE: September 22, 2004

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Associated Press

September 18, 2004 Saturday

SECTION: NATIONAL POLITICAL NEWS

LENGTH: 820 words

HEADLINE: Ex-Guardsman: I Contacted Kerry Campaign

BYLINE: KELLEY SHANNON; Associated Press Writer

DATELINE: AUSTIN, Texas

BODY:

A retired Texas National Guard official mentioned as a possible source for disputed documents about President Bush's service in the Guard said he passed along information to a former senator working with John Kerry's campaign.

Also, a White House official said Saturday that Bush has reviewed disputed documents that purport to show he refused orders to take a physical examination in 1972 and did not recall having seen them previously.

The long-running story on Bush's Texas Air National Guard service took an unusual twist when CBS broadcast a report on what it said were the newly discovered records. The authenticity of the documents has come into doubt.

In his first public comment on the CBS documents controversy, the president told The Union Leader of Manchester, N.H., "There are a lot of questions about the documents, and they need to be answered."

The retired Guard official, Bill Burkett, said in an Aug. 21 e-mail to a list of Texas Democrats that after getting through "seven layers of bureaucratic kids" in the Democrat's campaign, he talked with former Georgia Sen. Max Cleland about information that would counter criticism of Kerry's Vietnam War service. The Associated Press obtained a copy of the e-mail Saturday.

"I asked if they wanted to counterattack or ride this to ground and outlast it, not spending any money. (Cleland) said counterattack. So I gave them the information to do it with," Burkett wrote.

Burkett, who lives just outside of Abilene, wrote that no one at the Kerry campaign called him back.

The e-mail was distributed to a Yahoo list of Texas Democrats. The site, which had about 570 members Saturday, is not affiliated with the state party.

Republican National Committee spokesman Jim Dyke suggested collaboration between Burkett and the Kerry campaign. "The trail of connections is becoming increasingly clear," he said.

In the telephone interview published Saturday, Bush replied "I don't know" to a question whether the White House had evidence that either the Kerry campaign or the Democratic Party were involved in releasing the disputed papers.

"The Kerry campaign had absolutely nothing to do with these documents, no ifs, ands or buts," spokesman David Wade said. "Jim Dyke inhabits the fantasy world of spin where George Bush pretends we haven't lost millions of jobs

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and everything in Iraq is coming up roses. He'd be better served getting answers from the president, not hurling baseless attacks."

Burkett, who identifies himself as a Democrat, did not return several phone messages left by The Associated Press over the past week. There was no answer at his telephone number Saturday.

Burkett's lawyer, David Van Os, a Democratic candidate for the Texas Supreme Court, issued a statement this week saying Burkett "no longer trusts any possible outcome of speaking to the press on any issue regarding George W. Bush."

Burkett, who retired from the National Guard in 1999, has been cited in media reports as a source for the CBS News "60 Minutes" story about documents allegedly written by one of Bush's former commanders that indicated the future president ignored an order to take a physical.

The authenticity of the documents has been called into question by some experts and relatives of the late Lt. Col. Jerry Killian, who supposedly wrote them when he supervised Bush in 1972 and 1973. One of the memos indicated that Killian had been pressured to sugarcoat Bush's performance.

CBS has stood by its reporting, but said the network would redouble its efforts to determine the authenticity of the documents.

Leading operatives for the Texas Democratic Party did not receive Burkett's August e-mail, said Kelly Fero, one of the state party's strategists.

"The Democrats who run the party and are sort of the main strategists in Texas never saw it," Fero said. "We have lots of groups of Democrats who communicate among themselves constantly by e-mail."

Burkett, 55, told the AP in a lengthy telephone interview in February that he now is a supporter of Democrats, although at the time he said he didn't necessarily back Kerry.

He said he overheard a conversation in 1997 between then-Gov. Bush's chief of staff, Joe Allbaugh, and then-Adjutant Gen. Daniel James of the Texas Air National Guard in which the two men spoke of getting rid of any military records that would "embarrass the governor."

Burkett said he saw documents from Bush's file discarded in a trash can a few days later at Camp Mabry in Austin. Burkett described them as performance and pay documents. Allbaugh and James denied the allegations.

Burkett retired from the National Guard after more than 28 years of service because of medical reasons. He was involved in a lawsuit against the Guard over his medical benefits, which he lost on appeal.

Associated Press writers Scott Lindlaw in Kennebunkport, Maine, and Liz Austin in Dallas contributed to this report.

LOAD-DATE: September 19, 2004

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NBC News Transcripts

SHOW: NBC Nightly News 6:30 AM EST NBC

September 20, 2004 Monday

LENGTH: 562 words

HEADLINE: CBS News' Dan Rather admit source of Bush documents unreliable

ANCHORS: TOM BROKAW

REPORTERS: LISA MYERS

BODY:

TOM BROKAW, anchor:

NBC News IN DEPTH tonight, the black eye at CBS News. Today, CBS News anchor Dan Rather and the news division acknowledged they cannot prove the authenticity of the documents they used in a story about President Bush's National Guard service, that they were deliberately misled by the source of the documents. For his part, Rather, who earlier vigorously denied that the documents were forgeries, said today, quote, "We made a mistake in judgment, and for that, I am sorry." NBC's Lisa Myers, tonight, on how it happened and where it may go from here.

LISA MYERS reporting:

Today, a dark hour for "60 Minutes" and CBS, admitting they should not have built the story around questionable documents challenging the president's National Guard service.

Mr DAN RATHER: (From "60 Minutes") We have new documents and new information on the president's military service.

MYERS: After almost two weeks of standing by the story, CBS President Andrew Hayward now says, 'The network can't prove the documents are authentic.' 'That was a mistake, which we deeply regret.' Anchor Dan Rather apologized for 'a mistake in judgment.'

Mr. RATHER: I made a mistake. I didn't dig hard enough, long enough, didn't ask enough of the right questions, and I trusted a source who changed his story.

MYERS: The about-face came after Rather's weekend visit to the Texas ranch of this man, longtime Bush critic Bill Burkett. CBS says Burkett provided the disputed documents and now admits he deliberately misled the network. Journalism experts call today's statements a good start.

Mr ALEX JONES (Journalism Expert): I don't really see why it took so very long. But now that they've acknowledged they made a mistake, I think they owe it to us to tell us why it happened and how it happened.

MYERS: CBS promises an independent review of what went wrong but does not indicate if it will be by outsiders, as some critics demand. Among the key questions: Why didn't more red flags go up in dealing with Burkett, whose reliability already had been questioned? Why did CBS go with documents questioned by two of its own document experts prior to broadcast? How could a respected news organization get it so wrong when Internet bloggers, people who keep a diary on the Web, and others saw the flaws from the start? Specifically, that the type face on the documents

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could only have been done on a modern word processor. And what did CBS know about the credentials of the only person who stood up for the documents on air, Marcel Matley of San Francisco?

Mr. MARCEL MATLEY: I would say, based on our available handwriting evidence, yes, this is the same person.

MYERS: Court documents obtained by NBC News reveal Matley is a former librarian whose only formal document training was a mail-in correspondence course. He has no law enforcement training. Today, the White House demanded to know whether Democrats were behind the forged documents.

Mr. DAN BARTLETT (White House Communications Director): I think it's important that we get to the bottom of this to see if this was dirty tricks or if this was just a journalist making a mistake.

MYERS: As for CBS, insiders there say they're both relieved and shocked, relieved that the network finally has admitted a mistake, shocked that so many warning signs seemingly were ignored in the rush to air a highly-charged story. Lisa Myers, NBC News, Washington.

LOAD-DATE: September 21, 2004

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Copyright 2004 The New York Times Company
The New York Times

September 9, 2004 Thursday
Late Edition - Final

SECTION: Section A; Column 1; National Desk; THE 2004 CAMPAIGN: THE MILITARY RECORD; Pg. 1

LENGTH: 1392 words

HEADLINE: Documents Suggest Guard Gave Bush Special Treatment

BYLINE: By KATHARINE Q. SEELYE and RALPH BLUMENTHAL; Katharine Q. Seelye reported from Washington for this article, and Ralph Blumenthal from Houston. Raymond Bonner contributed reporting from Houston.

DATELINE: WASHINGTON, Sept. 8

BODY:

President Bush's Vietnam-era service in the National Guard came under renewed scrutiny on Wednesday as newfound documents emerged from his squadron commander's file that suggested favorable treatment.

At the same time, a once powerful Texas Democrat came forward to say that he had "abused my position of power" by helping Mr. Bush and others join the Guard.

Democrats also worked to stoke the issue with a new advertisement by a Texas group that featured a former lieutenant colonel, Bob Mintz, who said he never saw Mr. Bush in the period he transferred from the Texas Air National Guard to the Alabama Air National Guard.

The documents, obtained by the "60 Minutes" program at CBS News from the personal files of the late Lt. Col. Jerry B. Killian, Mr. Bush's squadron commander in Texas, suggest that Lieutenant Bush did not meet his performance standards and received favorable treatment.

One document, a "memo to file" dated May 1972, refers to a conversation between Colonel Killian and Lieutenant Bush when they "discussed options of how Bush can get out of coming to drill from now through November," because the lieutenant "may not have time."

The memo said the commander had worked to come up with options, "but I think he's also talking to someone upstairs."

Colonel Killian wrote in another report, dated Aug. 1, 1972, that he ordered Lieutenant Bush "suspended from flight status" because he failed to perform to standards of the Air Force and Texas Air National Guard and "failure to meet annual physical examination (flight) as ordered."

Colonel Killian also wrote in a memo that his superiors were forcing him to give Lieutenant Bush a favorable review, but that he refused.

"I'm having trouble running interference and doing my job," he wrote.

CBS, which reported on the memos on "The CBS Evening News" and "60 Minutes," declined to say how it obtained the documents.

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Dan Bartlett, the White House communications director, said in an interview with CBS, the full transcript of which the White House released on Wednesday night, that Mr. Bush had fulfilled his service and received an honorable discharge. Mr. Bartlett did not dispute the authenticity of the memos but said, "When you are talking about a memo to somebody's self -- this is a memo to his own file -- people are trying to read the mind of somebody who is no longer with us."

He called the release of the files politically motivated.

"Every time President Bush gets near another election, all the innuendo and rumors about President Bush's service in the National Guard come to the forefront," he said.

Separately, former Lt. Gov. Ben Barnes of Texas voiced regret for what he said was helping the privileged escape service in Vietnam

"I'm not particularly proud of what I did," said Mr. Barnes, who in the 1960's was speaker of the Texas House at 26 and lieutenant governor at 30. "While I understand why parents wanted to shield their sons from danger, I abused my position of power by helping only those who knew me or had access to me."

Mr. Barnes, 66, an adviser to Senator John Kerry's campaign and an influential lobbyist with offices in Austin and Washington, said in a interview with The New York Times that he had intervened to get Mr. Bush, as well as other well-connected young men, into the Guard in 1968. He made similar comments on "60 Minutes" on Wednesday.

Mr. Barnes maintained, as he has since 1999, that he had contacted his friend who headed the Texas Air National Guard, Brig. Gen. James Rose, not at the behest of anyone in the Bush family, but rather a Houston businessman, Sidney A. Adger, a friend of the Bushes who has died.

"Yes, I called Rose to get George Bush into the Guard, I've said that," Mr. Barnes said in his office last week in Austin. "I called Rose for other sons of prominent families, and I'm not proud of it now."

Anticipating his remarks, Republicans worked to discredit Mr. Barnes as a partisan Democrat and large contributor to Mr. Kerry. The events created a new round of scrutiny for Mr. Bush, after a month in which Mr. Kerry's Vietnam service dominated the campaign because of veterans with longstanding anger at how Mr. Kerry, who was a decorated veteran, came home and turned against the war. With advertisements, through a book and on talk shows, the group, Swift Boat Veterans for Truth, leveled largely unsubstantiated accusations about Mr. Kerry's record and told how his antiwar statements had demoralized veterans.

Democrats were unabashed in turning the spotlight on Mr. Bush. Terry McAuliffe, the Democratic chairman, said in a conference call with reporters the party would keep Mr. Bush's record before the public.

The events unfolded a day after the Pentagon, prompted by a lawsuit filed by The Associated Press, released a series of records on Mr. Bush's service, even though the White House had said this year that it had released all the records.

Mr. Bartlett said that the documents "demonstrate that he served his country, he logged hundreds and hundreds of hours as a fighter pilot in the Texas Air National Guard."

Mr. Bartlett rejected the suggestion based on Colonel Killian's files that Mr. Bush did not meet the performance standards. He said Mr. Bush did not have a physical examination because he was not going to be flying planes anymore, because his unit no longer flew the planes that Mr. Bush was trained on.

"Every step of the way, President Bush was meeting his requirements, granted permission to meet his requirements," Mr. Bartlett said.

A new commercial, produced by a group of Democrats, Texans for Truth, is to begin on Monday in five swing states that have lost high numbers of soldiers in Iraq. It features a former lieutenant colonel in the Alabama Guard, Bob Mintz, who lives in Tennessee. He told a columnist for The New York Times, Nicholas D. Kristof, for a column published on Wednesday, that he was actively looking for Lieutenant Bush at the Alabama base in the 1970's, because he had heard that Lieutenant Bush was a fellow bachelor who might like to party with him and other pilots. In the spot, Mr. Mintz said neither he nor his friends ever saw Mr. Bush.

"It would be impossible to be unseen in a unit of that size," he says.

The unit had 20 to 30 pilots.

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In a conference call with reporters on Wednesday, Mr. Mintz was pressed about his recollections and whether he might have missed seeing Mr. Bush, possibly because Mr. Bush was no longer flying at that point and was working in an office position. Mr. Mintz said repeatedly he never saw Lieutenant Bush.

Asked for friends' names who could vouch that they never saw Lieutenant Bush, Mr. Mintz declined, saying he did not have their permission to make their names public.

Glenn Smith, the main figure in Texans for Truth, said he wanted to make the spot because he was angry over the Swift Boat veterans.

Steve Schmidt of the Bush campaign said that Texans for Truth was linked to the Kerry campaign in potential violation of campaign finance laws, saying the group was "made possible by contributions" from Moveon.org, another advocacy group that opposes Mr. Bush.

Mr. Smith said that Moveon.org had financed another group that he had founded, Drivedemocracy.org, but that neither had given money to the Texans, though he said that Moveon.org had a link on its Web site to the Texans and sent e-mail messages to its Texas members urging them to give to the Texans.

Mr. Smith said the Texans raised more than \$300,000 in 24 hours, with one contribution for \$100,000 and most of the rest in \$25 donations.

Adding to the picture of Mr. Bush's service, The Boston Globe reported on Wednesday that he fell short of meeting his military requirements and was not disciplined despite irregular attendance at required drills.

The paper said Mr. Bush signed documents in July 1973, before he left Houston for the Harvard Business School, promising to meet his training commitments or be punished by being called up to active duty.

Mr. Bartlett said on Wednesday that Mr. Bush was given permission to attend Harvard. He said that if there were any requirements Mr. Bush was not meeting, "the National Guard at the federal level, the state level and the local level, they all knew where he was."

URL: <http://www.nytimes.com>

GRAPHIC: Photo: An advertisement for a group called Texans for Truth features a former guardsman who questions President's Bush military service. (pg. A28)

LOAD-DATE: September 9, 2004

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1 of 1 DOCUMENT

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The Washington Post

September 9, 2004 Thursday
Final Edition

SECTION: A Section; A01

LENGTH: 1266 words

HEADLINE: Records Say Bush Balked at Order;
National Guard Commander Suspended Him From Flying, Papers Show

BYLINE: Michael Dobbs and Thomas B. Edsall, Washington Post Staff Writers

BODY:

President Bush failed to carry out a direct order from his superior in the Texas Air National Guard in May 1972 to undertake a medical examination that was necessary for him to remain a qualified pilot, according to documents made public yesterday.

Documents obtained by the CBS News program "60 Minutes" shed new light on one of the most controversial episodes in Bush's military service, when he abruptly stopped flying and moved from Texas to Alabama to work on a political campaign. The documents include a memo from Bush's squadron commander, Lt. Col. Jerry B. Killian, ordering Bush "to be suspended from flight status for failure to perform" to U.S. Air Force and National Guard standards and failure to take his annual physical "as ordered."

The new documents surfaced as the Bush administration released for the first time the president's personal flight logs, which have been the focus of repeated archival searches and Freedom of Information Act requests dating to the 2000 presidential campaign. The logs show that Bush stopped flying in April 1972 after accumulating more than 570 hours of flight time between 1969 and 1972, much of it on an F-102 interceptor jet.

White House officials have said there was no reason for Bush to take the annual physical required of fighter pilots because there were no suitable planes for him to fly in Alabama, where he applied for "substitute training" to replace his required service with the Texas National Guard. But the new documents suggest that Bush's transfer to non-flight duties in Alabama was the subject of arguments among his National Guard superiors.

Release of the documents came as Democrats and some veterans stepped up their criticism of Bush for allegedly failing to meet his sworn obligations to the Texas Air National Guard. A new advocacy group called Texans for Truth, which has links to anti-Bush groups such as MoveOn.org, yesterday unveiled a TV ad to be screened in swing states asserting that Bush failed to show up for Guard duty in Alabama.

White House officials dismissed the latest criticism of Bush's service as partisan attacks in the midst of a heated campaign. In an interview with "60 Minutes," White House communications director Dan Bartlett said "partisan Democrats" were "recycling the very same charges we hear every time President Bush runs for reelection" and added: "It is dirty politics." But he did not contest the authenticity of the documents, which could not be verified independently by The Washington Post.

A spokeswoman for "60 Minutes," Kelli Edwards, declined to say exactly how the new documents were obtained other than that CBS News understood they had been taken from Killian's "personal office file." In addition to the order

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to Bush to report for a physical, the documents include various memos from Killian describing his conversations with Bush and other National Guard officers about Bush's attempts to secure a transfer to Alabama. Killian died in 1984.

"Phone call from Bush," Killian recorded in a "memo to file" dated May 19, 1972. "Discussed options of how Bush can get out of coming to drill from now through November."

According to "60 Minutes," Killian's personal files show that he ordered Bush "suspended from flight status" on Aug. 1, 1972. National Guard documents already released by the White House and the Pentagon show that Bush was suspended from flight status on that day for "failure to accomplish annual medical examination" but do not mention his alleged failure to comply with National Guard and Air Force standards.

In another "memo to file," dated Aug. 18, 1973, Killian complained that he was under pressure from his superior, Col. Walter B. "Buck" Staudt, to "sugar coat" Bush's officer evaluations. "I'm having trouble running interference and doing my job," he wrote in a memo titled "CYA." "I will not rate."

Staudt has insisted that he was not influenced by Bush's status as the son of George H.W. Bush (R), a Texas congressman in 1968 and later head of the CIA. He has also rejected the assertion by former Texas lieutenant governor Ben Barnes (D) that Barnes intervened with the head of the Texas Air National Guard to secure a position for Bush there at the request of a Bush family friend. Barnes, who has raised money for Democrat John F. Kerry's presidential campaign, repeated the assertion last night on "60 Minutes."

In releasing Bush's flight records, White House spokesmen yesterday expressed frustration over what they depicted as the Pentagon's failure to produce a full and complete record of the president's military service.

"It's clear that DOD [the Department of Defense] did not undertake as comprehensive a search as had been directed by the president," said White House spokeswoman Claire Buchan, just days after assuring The Post that Bush's full personnel file had already been released. "We have again asked that they ensure that any and all documents [relating to Bush's military service] are identified and released."

A Pentagon spokeswoman, Lt. Col. Ellen Krenke, said Bush's flight logs were found at the National Personnel Records Center in St. Louis, which is the central repository for veterans' records. She said the logs were found among a batch of records sent to St. Louis from Norton Air Force Base in 1993, which were originally thought to contain records of active-duty officers rather than of National Guardsmen such as Bush.

The Bush administration has issued government-wide instructions centralizing the release of information relating to the president's service with the Texas Air National Guard between 1968 and 1973. Officers responsible for implementing the Freedom of Information Act for the National Guard and the Pentagon declined to respond to queries from The Post last week on the completeness of the president's records, referring a reporter instead to Krenke and the White House press office.

The new commercial by Texans for Truth, to be aired on \$110,000 worth of television time in battleground-state cities such as Harrisburg, Pa., and Columbus, Ohio, shows Bob Mintz, who served as a lieutenant in the Alabama Air National Guard at the same time Bush was supposed to be serving, speaking to the camera:

"I heard George W. Bush get up there and say, 'I served in the 187th Air National Guard in Montgomery, Alabama.' I said, 'Really? That was my unit. And I don't remember seeing you there.'"

Steve Schmidt, a spokesman for the Bush-Cheney campaign, charged that Texans for Truth "is a front group for MoveOn.org that has spent tens of millions of dollars attacking the president. . . . This is a smear group launching baseless attacks on behalf of John Kerry's campaign that will be rejected by the American people."

Glenn Smith, the head of Texans for Truth, is a former political reporter for the Houston Chronicle and Houston Post and has been a Democratic consultant, working on campaigns in Texas and other states. He ran Tony Sanchez's unsuccessful bid for Texas governor in 2002.

Smith said he was angry over ads created by another advocacy group, Swift Boat Veterans for Truth, attacking Kerry's service in the Vietnam War.

In a conference call with reporters, Democratic National Committee Chairman Terence R. McAuliffe said "relentless negative attacks" on Kerry "made the president's service, or lack thereof, completely fair game."

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The Washington Post September 9, 2004 Thursday

Republican National Committee communications director Jim Dyke countered that "McAuliffe has a long history of false and reckless statements."

Staff writers James Grimaldi and Howard Kurtz and researcher Alice Crites contributed to this report.

LOAD-DATE: September 9, 2004

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1 of 1 DOCUMENT

Copyright 2004 Chicago Tribune Company
Chicago Tribune

September 9, 2004 Thursday
Chicago Final Edition

SECTION: NEWS ; ZONE C; Pg. 1

LENGTH: 1175 words

HEADLINE: Memos say Bush pushed for move;
National Guard service in question

BYLINE: By Mark Silva and Jeff Zeleny, Washington Bureau.

DATELINE: WASHINGTON

BODY:

When President Bush was a lieutenant in the Texas Air National Guard, an official complained that Bush was "talking to someone upstairs" in his bid for transfer to duty in Alabama to work on the campaign of a family friend, documents released late Wednesday by the White House show.

The unsigned memo on May 19, 1972, outlined a "phone call from Bush," who was discussing how to "get out of coming to drill now through November." Bush, who had trained to fly fighter jets for the Guard in Texas and served stateside during the Vietnam War, insisted on seeking a transfer to Alabama any way possible, the memo writer said, because he is "working on another campaign for his dad."

The late-night release of the memos added another layer of complexity and intrigue to the renewed examination of Bush's time in the National Guard in the Vietnam era, the war from more than 30 years ago that has taken an unexpectedly prominent role in this presidential campaign. Bush's challenger, Democrat John Kerry, has been forced to defend his combat service in Vietnam, where he received several awards for heroism.

The release of the documents comes seven months after the White House disclosed what it said was an exhaustive list of the president's National Guard records. The documents were released two hours after CBS News raised new questions during a prime-time broadcast about whether Bush was awarded a coveted slot out of favoritism.

In the May 1972 memo, the author also said that Bush was told he would need written approval for a transfer.

A second memo, signed by Lt. Col. Jerry Killian on Aug. 1, 1972, showed that Bush was ordered suspended from flight status for failure to perform to Air Force and Guard standards and failure to meet an annual physical exam as required. Bush's transfer to an Air Reserve Squadron was recommended, but not allowed, this memo reported. Bush "has made no attempt to meet his training certification or flight physical," the colonel wrote. Bush wanted to transfer to a non-flying unit. Killian recommended that the unit fill Bush's slot with "a more seasoned pilot" from a list of Vietnam pilots who rotated out.

Bush was told he would need a flight physical, the May document shows. Bush replied that he would get that in Alabama.

The next year, in August 1973, an unnamed official wrote, "I'm having trouble running interference and doing my job," noting that Bush was not present for his pilot rating and as such he would not rate Bush.

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This Aug. 18, 1973, memo was titled "CYA"--which could have been meant as an abbreviation for a slang term meaning cover your behind.

In a related development, a new television ad by a Democratic-leaning group also questioned whether Bush fulfilled his obligations.

The shift of scrutiny from Kerry to Bush marked a pivot in a presidential campaign that has to a surprising degree been focused on Vietnam-era war records.

Former Texas Lt. Gov. Ben Barnes, who acknowledged he helped secure Bush a coveted position in the Texas Air National Guard, said in a television interview that he regretted making "life or death" decisions based on a man's connections.

Pentagon records

Democrats, meanwhile, seized on Pentagon records released this week suggesting that Bush may not have met his full obligations in the Guard. Party leaders accused the president of skirting his duty in a war but also lying about it.

"We didn't want to spend our time in this campaign talking about a war 35 years ago, but it's George Bush's activity 35 years ago that speaks to his credibility today," said Democratic National Committee Chairman Terry McAuliffe.

A group called Texans for Truth, financed by the Democratic-leaning organization MoveOn.org, began airing ads in five battleground states Wednesday in which a retired lieutenant colonel in the Alabama Guard questioned whether Bush served in that state. The ad asks, "Was George W. Bush AWOL in Alabama?" before demanding, "Tell us whom you served with, Mr. President."

The group said it invested \$110,000 in the initial advertising volley, giving it a small reach compared with the multimillion-dollar flood of other political ads. But like a similar ad aired last month by Swift Boat Veterans for Truth, the commercial has a far wider reach because of media coverage and the Internet.

The increased examination of Bush's service record in the National Guard came as the death toll of American troops in Iraq has surpassed 1,000. Democrats are urging Americans to keep their skepticism about the war alive as they try to erase the advantages polls indicate the president gained last week during the GOP convention.

"We have a commander in chief who dodged his own military duty during Vietnam," said Glenn Smith, a Democratic operative and the executive director of Texans for Truth. "We think the husbands, wives, mothers and fathers of these soldiers deserve to know the truth about George W. Bush."

In a taped interview broadcast Wednesday evening on CBS News' "60 Minutes," Barnes said he regretted giving special treatment to Bush and other well-connected young men so they could avoid the draft.

"That's power," Barnes said. "In some instances, when I looked at those names, I was maybe determining life or death and that's not a power that I want to have."

The comments by Barnes contradicted a sworn statement he made in the 2000 campaign when he said he could not recall giving Bush special treatment. Republicans rejected Barnes as an agent of the Democrats.

Other questions

Meanwhile, the White House and the Bush campaign also downplayed questions raised by The Boston Globe on Wednesday that said the president fell short of commitments outlined in his agreement with the Air National Guard.

The newspaper, citing 30-year-old documents released by the Pentagon this week, reported that Bush failed to register with a Massachusetts Guard unit upon his entry into Harvard Business School in 1973. In his race against Al Gore four years ago, a spokesman told the Globe that Bush completed his obligation with a Boston-area unit, an assertion the spokesman, White House Communications Director Dan Bartlett, acknowledged to the Globe was incorrect.

But when asked Wednesday during a briefing with reporters, White House press secretary Scott McClellan declined to directly answer questions about whether the president served in Boston, declaring, "If the president had not fulfilled his commitment, he would not have been honorably discharged."

The military records were obtained under a Freedom of Information Act lawsuit by The Associated Press even though Bush and the Pentagon insisted for months that the records did not exist. The documents showed that while Bush

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Chicago Tribune September 9, 2004 Thursday

said he was in Alabama training with a Guard unit in 1972, his home unit in Texas was defending skies over the Southern U S. by keeping two jet fighters poised for launch within five minutes' notice.

"When his unit was placed on a 24-hour alert mission to protect our country from surprise attack, why did George Bush not report for duty?" McAuliffe asked in a conference call with reporters.

NOTES: CAMPAIGN 2004

GRAPHIC: PHOTO: George W. Bush sits in an F-102A fighter jet while serving in the Texas Air National Guard in this undated photo. Austin American Statesman photo.

PHOTO: There is new scrutiny of Bush's Guard service and questions about if he fulfilled his duty. George Bush Presidential Library.

GRAPHIC (color): 2004 electoral vote tracker

Based on polling reports from PollingReport.com.

States are "up for grabs" if candidates are tied or a lead is within the margin of error.

270 electoral votes are needed to win presidency

Bush (157)

Kerry (161)

Up for grabs (220)

ESTIMATED TELEVISION ADVERTISING

Note. Total spending is calculated since March 3

Bush/pro-Republican

Aug. 29 - Sept. 4

\$4.8 million

Total spending: \$106 million

Kerry/pro-Democratic

Aug 29 - Sept. 4

\$12.5 million

Total spending: \$181 million

Sources. PollingReport.com, L.A. Times, TNS Media Intelligence/CMAG

Chicago Tribune

- See microfilm for complete graphic.

PHOTOS 2 GRAPHIC

LOAD-DATE: September 9, 2004

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1 of 1 DOCUMENT

Copyright 2004 Gannett Company, Inc.
USA TODAY

September 9, 2004, Thursday, FINAL EDITION

SECTION: NEWS; Pg. 4A

LENGTH: 1715 words

HEADLINE: Guard commander's memos criticize Bush

BYLINE: Dave Moniz and Jim Drinkard

DATELINE: WASHINGTON

BODY:

WASHINGTON -- President Bush's commander in the Texas Air National Guard concluded that Bush was failing to meet standards for fighter pilots, but the commander felt pressure from superiors to "sugar coat" his judgments, according to newly disclosed documents.

The memos, obtained by USA TODAY and also reported Wednesday on the CBS program *60 Minutes*, reveal that Bush's commander, Lt. Col. Jerry Killian, was critical of Bush's performance as a pilot in the latter years of his Vietnam-era Guard career. Killian cited Bush for "failure to perform" to Air Force and Air National Guard standards and called for him to be replaced "with a more seasoned pilot."

The conclusions by Killian, who died in 1984, show Bush's performance declining between his 1971 pilot evaluation, which was glowing, and the time in 1972 when records show he began failing to show up for duty and failed to take a medical exam that was required for him to keep flying.

Disclosure of the documents raised questions about why the reports have not turned up until now. The White House has said repeatedly that it has made public everything that is available. White House spokesman Dan Bartlett said the documents were in Killian's files and not part of Bush's record. He called the charges "old, recycled attacks that have already been discredited."

Bartlett did not dispute the documents' authenticity. Killian's signatures on the memos match those on many of Bush's publicly released records.

The military service histories of Bush and Democratic challenger John Kerry have become a central issue in the 2004 presidential race. An anti-Bush group, Texans for Truth, is to begin airing an ad on Monday in which a former lieutenant colonel in the Alabama Air National Guard says neither he nor his friends saw Bush in 1972, when the future president was supposed to be training with their unit.

Ben Barnes, a former speaker of the Texas House and former lieutenant governor, told CBS that he was responsible for getting Bush into the Guard ahead of several hundred men on a waiting list. He said he now regrets the favors done for Bush and others from powerful families. Joining the National Guard was a way to avoid the draft, the primary source of troops for the Vietnam War.

"I was maybe determining life or death, and that's not a power that I want to have," Barnes said. "But it happened, and it's not . . . something I'm necessarily proud of." Barnes is now a lobbyist and has been a major fundraiser for Kerry's campaign.

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USA TODAY, September 9, 2004

Bush has denied that his family sought favorable treatment for him, and Barnes offered no evidence of that. Barnes repeated past assertions that a Bush family friend, Sid Adger, approached him about helping Bush.

The CBS report came a week after the widow of another family friend told the online magazine *Salon* that her husband agreed in 1972 to take Bush from Texas to Alabama to work on a U.S. Senate campaign in that state. Linda Allison, the widow of Jimmy Allison, whose family owned the newspaper in Midland, Texas, where the Bushes once lived, said Bush's father asked her husband to take the younger Bush with him because he was "getting in trouble and embarrassing the family" in Texas. Linda Allison declined USA TODAY's request for an interview.

Her account and Killian's memos contradict answers by Bush, his friends and campaign officials to questions about why he stopped flying fighter jets and moved to Alabama in May 1972. The president has maintained through advisers and in two biographies that the reason he left a coveted pilot slot in the Texas Air National Guard was to learn the trade of political campaigning from Jimmy Allison.

Questions about Bush's Guard tenure have lingered for more than four years.

Bush served in the Texas Air National Guard from 1968-73. *The Boston Globe* reported in 2000 that Bush vaulted over hundreds of applicants to get a coveted slot in the Guard during the Vietnam War and was immediately awarded a competitive pilot position despite low qualifying scores on aptitude tests and four misdemeanor citations.

Bush's military records show gaps in drill attendance from May 1, 1972, to April 30, 1973, when his Texas supervisors could not account for his whereabouts and said so in his last written evaluation. During that time, Bush lived briefly in Alabama, where he worked for the Senate campaign of Winton "Red" Blount. He returned to Texas to work in a Houston program for troubled youth.

C. Murphy Archibald, who worked on the Blount campaign, said that in the fall of 1972, Bush frequently was late for work on the Alabama campaign and often bragged about how much he drank the night before.

"I was bowled over by the competence of this guy Allison, but perplexed by how he had brought this young guy along who seemed to have so little interest in the campaign," Archibald recalled. On most days, Archibald said, Bush arrived at campaign headquarters around noon or 1 p.m. and left around 5:30 or 6 p.m., leaving assigned duties unfinished.

Bush, who quit drinking in 1986, the year he turned 40, has said that he sometimes behaved irresponsibly when he was young. At a campaign news conference in 1999 he said, "I made mistakes 20 or 30 years ago, but I've learned from my mistakes."

Unlike many presidents, Bush has steered clear of discussing his military career. He addresses it only when asked by reporters and then in brief answers

Requests for his military records under the Freedom of Information Act have hung in limbo for months. The White House counsel's office has become involved in answering the requests even though they were filed with the Pentagon. In recent months, Pentagon officials have been ordered not to discuss the matter with reporters.

"I served my country," Bush said in an NBC interview on Aug. 28. "Had my unit been called up (to Vietnam), I would have gone." Aides have pointed to his honorable discharge from the Guard as evidence he fulfilled his obligation.

Many of Bush's former comrades in the Texas Air National Guard defend his service and say there was nothing unusual about it. They say Bush seemed like a dependable squadron mate.

Bush's military files are filled with inconsistencies, according to former Air National Guard, Air Force and Army officers who have reviewed them.

Gerald Lechliter, a retired Army colonel and a member of Veterans against the Iraq War, compared Bush's publicly released records with military procedures manuals from that era. He concluded that Bush's superiors failed to follow proper procedures when he missed required training and when he failed to take his flight physical.

Bush's officer performance report for 1972 "was a clear and unmistakable indication that his performance had declined from the annual 1971 report," Lechliter wrote in an analysis of the records. "The report was the kiss of death before he left for Alabama that year."

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USA TODAY, September 9, 2004

Contributing: Mark Memmott

'Think he's also talking to someone upstairs'

Excerpts from memos written by Lt. Col. Jerry Killian, commander of the Texas Air National Guard unit that then-Lt. George Bush was a member of during the Vietnam War:

"Discussed options of how Bush can get out of coming to drill from now through November. . . . Says he wants to transfer to Alabama to any unit he can get in to. Says that he is working on another campaign for his dad. . . ."

"We talked about him getting his flight physical situation fixed . . . Says he will do that in Alabama if he stays in flight status. He has this campaign to do and other things that will follow and may not have the time. I advised him of our investment in him and his commitment. . . . I told him I had to have written acceptance before he would be transferred, but think he's also talking to someone upstairs."

-- From a May 19, 1972, memo to Killian's file recounting a phone conversation with Bush

"On this date I ordered that 1st Lt. Bush be suspended from flight status due to failure to perform to . . . standards and failure to meet annual physical examination (flight) as ordered . . ."

"Officer has made no attempt to meet his training certification or flight physical. Officer expresses desire to transfer out of state including assignment to non-flying billets."

"I also suggested that we fill this critical billet with a more seasoned pilot from the list of qualified Vietnam pilots that have rotated."

-- From a memo Aug. 1, 1972, for the record

"(Col. Walter "Buck") Staudt has obviously pressured (Lt. Col. Bobby) Hodges more about Bush. I'm having trouble running interference and doing my job."

-- From a memo to file dated Aug. 18, 1973, with the subject line "CYA."

A timeline of Bush in the military

May 1968: Graduates from Yale University and joins Texas Air National Guard as an enlisted airman.

November 1968: Attends Air Force pilot training at Moody Air Force Base in Georgia.

July 1970: Is commissioned a second lieutenant and qualifies to fly F-102 interceptors with a Texas Air National Guard unit near Houston.

July 1970-April 1972: Flies military jets and gets very good evaluation reports.

May 1972: Stops flying. Fails to take a required physical examination in August and is officially suspended from pilot status.

September 1972: Gets approval to transfer to an Air National Guard unit in Alabama, where he works for the unsuccessful senatorial campaign of Republican Winton "Red" Blount.

Jan. 6, 1973: Has a dental exam at Dannelly Air National Guard Base in Alabama, according to records released Feb. 11 by the White House.

May 1973: Bush's supervisors in Texas state that he hasn't been seen at the Houston base for the past year and therefore they can't prepare an officer evaluation for him. Commanders in Houston order him to report for duty in the summer of 1973.

July 30, 1973: Planning to move to Massachusetts to attend Harvard Business School, signs a commitment that he will find another Guard opening and report for duty.

October 1973: Leaves to attend Harvard Business School, does not join another unit and is honorably discharged from the Texas Air National Guard, one year before his six-year commitment is to expire.

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USA TODAY, September 9, 2004

GRAPHIC: PHOTO, B/W, Austin American-Statesman via AP; PHOTO, B/W, George H.W. Bush Presidential Library file photo via AP; PHOTO, B/W, AFP/Getty Images file photo; Fighter pilot: George W. Bush in the cockpit of an F-102 during his service in the Texas Air National Guard. He was in the Guard from 1968 to 1973. ◊ Five years of service: George W. Bush was in the Air National Guard 1968-73. ◊ Texas flyboy: George W. Bush qualified as a fighter pilot during his stint.

LOAD-DATE: September 09, 2004

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2 of 3 DOCUMENTS

Copyright 2004 The New York Times Company
The New York Times

September 10, 2004 Friday
Late Edition - Final

SECTION: Section A; Column 1, Editorial Desk; Pg. 24

LENGTH: 409 words

HEADLINE: The Long Shadow of War

BODY:

Each time President Bush has run for public office, he has had to weather critics' charges that he received silver-spoon treatment during the Vietnam War as a politician's son who gained coveted admission to the Texas Air National Guard while other young Americans were drafted into combat. The charges are back once more, this time with some telling new details in the form of private memos attributed to Mr. Bush's squadron commander of three decades ago.

The memos describe pressure from above to "sugarcoat" the Bush record after the commander had ordered the young pilot grounded for failure to comply with Guard obligations. And the memos also claimed that Mr. Bush "made no attempt" to meet larger performance obligations before heading off to a new unit based in Alabama, where he helped run a political campaign.

The memos, whose authenticity is being challenged, were disclosed on the CBS News program "60 Minutes" along with an interview with Ben Barnes, a Democrat and former lieutenant governor of Texas who repeated claims of having helped Mr. Bush and other favored individuals jump ahead of hundreds on the Guard waiting list in response to pressure from influential Texans.

The reporting touched off a series of salvos between Republicans, who repeatedly pointed out that Mr. Bush had eventually received an honorable discharge, and Democrats, who are still angry about the ads attacking John Kerry's wartime service record on Swift boats.

The one thing becoming clear in this furious dispute is how much has changed since Vietnam. Everyone knows that military Reserve and Guard units did indeed provide sanctuary from the draft back then for many fortunate Americans, however they managed entry. But today, under the military's increasingly hard-pressed readiness, these units have become mainline combat conduits to the Iraq war. Far from escaping the front lines, men and women from supposedly part-time, home-front outfits are figuring all too sadly in the Iraq toll of 1,000 American deaths and counting.

This year's voters might keep this lethal turnabout in mind as rival campaigns would have them wallow entirely in the past. And as President Bush faces another bout of retrospective Vietnam politicking, we hope he keeps relevant lessons from his own military service at hand while fulfilling his obligations as commander in chief of today's embattled soldiers.

URL: <http://www.nytimes.com>

LOAD-DATE: September 10, 2004

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**Kerry Allies Tied to Forged Document Scandal**

By Jeff Gannon

Talon News

September 21, 2004

WASHINGTON (Talon News) -- Evidence continues to emerge that shows members of Sen. John Kerry's presidential campaign had knowledge of the forged documents that CBS obtained from an embittered Texas Democrat. On Monday, the network apologized for using the documents to support claims that President George W. Bush received special treatment to get into the Texas Air National Guard and shirked his duty, but Democrats continued to trumpet the charges.

Republican suspicions that CBS and the Kerry campaign shared information about the documents prior to the September 8 airing of "60 Minutes" got a boost from statements made by an adviser to the Massachusetts Democrat. Joe Lockhart, a press secretary for former President Bill Clinton who was recently added to the campaign, told the Associated Press that he contacted Bill Burkett about the documents at the suggestion of CBS producer Mary Mapes.

Lockhart said that Mapes suggested that he contact Burkett before CBS aired the story.

He said the producer told him, "There's a guy who is being helpful on the story who wants to talk to you."

Lockhart said that Mapes told him that there were some records "that might move the story forward" but didn't describe what the documents said.

Lockhart added that during a brief conversation, Burkett offered advice "on how to deal with the Vietnam issue and the Swift boat" allegations.

Lockhart recalled that the former Guardsman said, "These guys play tough and we have to put the Vietnam experience into context and have Kerry talk about it more."

But Lockhart denied talking to Burkett about Bush's Guard records.

"It's baseless to say the Kerry campaign had anything to do with this," he said.

Another Kerry ally, former Sen. Max Cleland (D-GA), also admitted to a conversation last month with Burkett.

Burkett told Cleland that he had information about Bush to counter charges against Kerry's Vietnam War service. Cleland said he gave Burkett's contact information to the campaign's research department.

Carl Cameron, a Fox News reporter following the Kerry campaign, said that the Massachusetts senator "was pushing this 60 Minutes piece as a 'must see' to his traveling press for several weeks prior to it coming out."

The CBS broadcast coincided with the debut of a Democratic National Committee ad called "Operation Fortunate Son."

Like the accusations made in the forged documents, the ad implies favorable treatment for the young Bush and his failure to fulfill his obligations to the Texas Air National Guard.

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